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REPUBLIC OF GHANA

THE ONE THOUSAND ONE HUNDRED AND FORTY-SIXTH

# ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA  
ENTITLED

## FISHERIES AND AQUACULTURE ACT, 2025

AN ACT to review and consolidate the laws relating to the sustainable exploitation of fisheries resources; establish the Fisheries Commission to ensure the long-term conservation, development, management and utilisation of fisheries and aquaculture resources, contribute to the attainment of a sustainable blue economy and to provide for related matters.

DATE OF ASSENT: 14<sup>th</sup> August, 2025.

PASSED by Parliament and assented to by the President:

*Preliminary Provision*

### Application of the Act

1. (1) Unless otherwise specified, this Act applies to all
  - (a) areas over which the Republic exercises jurisdiction or sovereign rights;
  - (b) fishing and fishing-related activities and any other activity or matter within the scope of this Act;
  - (c) persons, vessels, vehicles, aircrafts, export facilities or any other means of transport or place engaged in or otherwise connected with any activity within the scope of this Act;

- (d) persons and vessels in relation to the fishery waters and areas beyond national jurisdiction; and
- (e) Ghanaian fishing vessels and persons on Ghanaian fishing vessels or dealing with or having any relevant relationship to a Ghanaian fishing vessel, and in relation to any area within or beyond national jurisdiction in so far as this is not in conflict with the jurisdiction of another State.

(2) This Act has extraterritorial application in accordance with the provisions of this Act.

### *Fisheries Commission*

#### **Establishment of the Fisheries Commission**

2. (1) There is established by this Act, the Fisheries Commission as a body corporate.

(2) The Commission may, for the performance of the functions of the Commission, acquire and hold property, dispose of property and enter into a contract or any other related transaction.

(3) Where there is a hindrance to the acquisition of land, the land may be acquired for the Commission under the Land Act, 2020 (Act 1036), and the cost shall be borne by the Commission.

#### **Object of the Commission**

3. The object of the Commission is to ensure the long-term conservation, development, management and utilisation of fisheries and aquaculture resources through the

- (a) conservation of fisheries and aquaculture resources within the fishery waters of the Republic and related fisheries and aquaculture establishments;
- (b) sustainable development of aquaculture within the fishery waters of the Republic and related aquaculture establishments;
- (c) implementation and enforcement of international fisheries agreements and treaties;
- (d) coordination and implementation of policies and plans to prevent, deter and eliminate Illegal, Unreported and Unregulated fishing;

- (e) coordination of fisheries and aquaculture plans and policies;
- (f) regulation of fisheries and aquaculture activities; and
- (g) promotion of responsible, legal, traceable and sustainable trade in fish and fishery products.

#### **Functions of the Commission**

4. (1) To achieve the object of the Commission under section 3, the Commission shall

- (a) prepare plans for the sustainable management and development of fisheries and aquaculture resources in the country;
- (b) establish priorities for the utilisation of fishery resources which will provide the greatest benefits to the country;
- (c) ensure the long-term conservation of the fishery resources through the prevention of overfishing and other prohibited fishing practices;
- (d) establish mechanisms to minimise, as far as practicable, fisheries and fishery related conflict among resource users;
- (e) establish mechanisms to deter, prevent and eliminate Illegal, Unreported and Unregulated fishing and fisheries-related activities;
- (f) promote cooperation among fishers and advance the development of small-scale fishery;
- (g) undertake scientific surveys and collaborate with relevant academic and research institutions to carry out research for the assessment of fisheries resources, development of aquaculture and post-harvest management;
- (h) collaborate with District Assemblies for the sustainable management of the fishery and aquaculture resources;
- (i) collaborate with other users of Ghanaian water bodies on environmental protection, particularly with respect to the fisheries and aquaculture resources and food chain;
- (j) collaborate with the Food and Drugs Authority, the Ghana Standards Authority and other relevant stakeholders to standardise fish traceability requirements, as well as certify and licence small-scale fish processing establishments;

- (k) in consultation with the Ghana Standards Authority and any other relevant agency, standardise fish quality and weight as the basis for fish pricing;
- (l) in consultation with other agencies, control and coordinate the import and export of fish and fishery products;
- (m) in collaboration with the Ghana Maritime Authority and other relevant agency, establish the requirements for manning fishing vessels, safety for crew and vessels, and fishing gear in use for the fishing industry;
- (n) in collaboration with other stakeholders, hear and determine complaints from persons aggrieved in respect of matters arising from or related to fishing activities and the fishing industry except criminal matters;
- (o) collaborate with District Assemblies, fishing communities and other stakeholders to ensure the enforcement of the laws on fisheries and aquaculture;
- (p) make policy recommendations to the Minister for the formulation of policies and grant of licences related to the object of this Act;
- (q) regulate fishing and collaborate with other relevant agency to regulate fishing-related activities within the water bodies of the Republic and fishing activities undertaken by Ghanaian fishing vessels beyond the fishery waters of the Republic;
- (r) promote, administer, manage, coordinate and regulate all activities related to aquaculture in the Republic;
- (s) collaborate with all relevant stakeholders in the implementation of fisheries and aquaculture policies and plans;
- (t) coordinate the implementation and enforcement of international agreements related to fisheries and aquaculture management;
- (u) promote cooperation among aquaculture practitioners and other actors to advance the development of the aquaculture industry;

- (v) collaborate with other relevant agencies to promote and initiate formal and informal training of fishers and aquaculture practitioners and managers;
- (w) establish and promote effective and efficient collaboration and cooperation among key national and international organisations in fisheries and aquaculture management;
- (x) develop fisheries and aquaculture infrastructure;
- (y) promote a sustainable blue economy;
- (z) collate data on fisheries and aquaculture for planning and policy formulation; and
- (aa) perform any other function conferred on the Commission under this Act or any other enactment or that is necessary to achieve the object of this Act.

(2) In the performance of the functions of the Commission, the Commission shall act in a manner consistent with national policies and the international and regional obligations of the Republic relating to the conservation and management of fisheries resources in Ghanaian waters and beyond.

(3) In the exercise of a power under this Act, the Commission shall have regard to the principles of precautionary and ecosystem approach to fisheries management including the need to

- (a) achieve sustainable development and utilisation of aquatic living resources;
- (b) conserve marine and inland living resources for both present and future generations;
- (c) achieve economic growth through employment creation and capacity building within the fisheries and aquaculture sector, as well as a sound ecological balance consistent with national development objectives;
- (d) protect the ecosystem as a whole, including species which are not targeted for exploitation;
- (e) conserve marine and inland water biodiversity;
- (f) minimise marine and inland water pollution;
- (g) achieve to the extent practicable, a broad and accountable participation in the decision-making processes provided for in this Act;

- (h) ensure the implementation of any relevant obligation of the Republic in terms of any international agreement or applicable rule of international law; and
- (i) restructure the fishing industry to achieve equity within all branches of the fishing industry.

*Governance of the Commission*

**Governing body of the Commission**

5. (1) The governing body of the Commission is a Board consisting of

- (a) a chairperson with knowledge and experience in matters related to fisheries and aquaculture;
- (b) the Executive Director;
- (c) one representative of the Ministry not below the rank of a Director nominated by the Minister;
- (d) one representative each, not below the rank of a Director or the equivalent of a Director from the following:
  - (i) the Ghana Maritime Authority nominated by the Director-General of the Ghana Maritime Authority;
  - (ii) the Police Service nominated by the Inspector-General of Police;
  - (iii) the Ghana Navy nominated by the Chief of the Naval Staff;
  - (iv) the Environmental Protection Authority nominated by the Chief Executive Officer of the Environmental Protection Authority;
  - (v) the Water Resources Commission nominated by the Executive Secretary of the Water Resources Commission;
  - (vi) the Ghana Ports and Harbours Authority nominated by the Director-General of the Ghana Ports and Harbours Authority; and
  - (vii) the Veterinary Services Directorate nominated by the Minister responsible for Food and Agriculture;
- (e) one representative of research institutions related to fisheries and aquaculture nominated by the Minister;

- (f) one representative of the Ghana Tuna Association nominated by the Ghana Tuna Association;
- (g) one person with knowledge and experience in inland, small scale and industrial fisheries nominated by the National Fisheries Association of Ghana;
- (h) one person with knowledge and experience in aquaculture nominated by the aquaculture associations in Ghana; and
- (i) one person with qualification, knowledge and experience in gender, trade and fish processing who is a woman, nominated by stakeholders.

(2) The President shall, in accordance with article 70 of the Constitution, appoint the chairperson and members of the Board.

(3) For the purpose of paragraph (i) of subsection (1), "stakeholders" mean recognised fish processors' and traders' associations including

- (a) the National Fish Processors and Traders Association;
- (b) the Bulk Fish Importers Association;
- (c) the African Confederation of Professional Organisation of Artisanal Fisheries; and
- (d) the National Inland Fish Processors and Traders Association.

#### **Functions of the Board**

6. The Board shall

- (a) exercise responsibility for the strategic direction and policies of the Commission;
- (b) oversee the management of the resources of the Commission; and
- (c) ensure the efficient and effective performance of the functions of the Commission.

#### **Duties and liabilities of a member of the Board**

7. (1) A member of the Board has the same fiduciary relationship with the Commission and the same duty to act with loyalty and in good faith as a Director of a company incorporated under the Companies Act, 2019 (Act 992).

(2) Without limiting subsection (1), a member of the Board has a duty to

- (a) act honestly and in the best interest of the Commission in the performance of the functions of that member;
- (b) exercise the degree of care and diligence in the performance of the functions of that member that a person in that position would reasonably be expected to exercise in the circumstances;
- (c) avoid a conflict of interest in the performance of the duties and where a conflict arises, declare same to the Board in accordance with section 10;
- (d) avoid making improper use of information acquired by virtue of the position of that member so as to benefit that member or to the detriment of the Commission; and
- (e) not abuse the position of the office.

(3) A member of the Board shall, before assuming office, file with the Commission a disclosure statement declaring all assets, business affiliations and details of past and present employment.

(4) A member of the Board who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units.

(5) Where a Court determines that the Commission has suffered loss or damage by an act or omission of a member, the Court may, in addition to imposing a fine, order the person convicted to pay the appropriate compensation to the Commission.

**Tenure of office of members of the Board**

8. (1) A member of the Board shall hold office for a period of four years and is eligible for re-appointment for another term only.

(2) Subsection (1) does not apply to the Executive Director.

(3) A member of the Board may, at any time, resign from office in writing addressed to the President through the Minister.

(4) A member of the Board who is absent from three consecutive meetings without sufficient cause ceases to be a member of the Board.

(5) The President may, by letter addressed to a member, revoke the appointment of that member.

(6) Where a member of the Board is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.

(7) Where there is a vacancy

(a) under subsection (3), (4), or subsection (2) of section 10,

(b) as a result of a declaration under subsection (6), or

(c) by reason of the death of a member,

the Minister shall notify the President of the vacancy and the President shall appoint a person to fill the vacancy for the unexpired term.

#### **Meetings of the Board**

9. (1) The Board shall meet at least once every three months for the conduct of business at a time and place determined by the chairperson.

(2) The chairperson shall, at the request in writing of not less than one-third of the membership of the Board, convene an extraordinary meeting of the Board at a time and place determined by the chairperson.

(3) The quorum for a meeting of the Board is nine members of the Board.

(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board elected by the members present from among their number shall preside.

(5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a meeting of the Board but that person shall not vote on a matter for a decision at the meeting.

(7) The proceedings of the Board shall not be invalidated by reason of a vacancy among the members of the Board or by a defect in appointment or qualification of a member.

(8) Subject to this section, the Board shall determine the procedure for the meetings of the Board.

**Disclosure of interest**

10. (1) A member of the Board who has an interest in a matter for consideration by the Board

(a) shall disclose in writing the nature of the interest and the disclosure shall form part of the record of the consideration of the matter; and

(b) is disqualified from being present at or participating in the deliberations of the Board in respect of the matter.

(2) A member ceases to be a member of the Board, if that member has an interest in a matter before the Board and

(a) fails to disclose that interest; or

(b) is present at or participates in the deliberations of the Board in respect of that matter.

(3) Without limiting any further cause of action that may be instituted against the member, the Board shall recover any benefit derived by a member who contravenes subsection (1) in addition to the revocation of the appointment of the member.

**Establishment of committees**

11. (1) The Board may establish committees consisting of members of the Board or non-members of the Board or both to perform a function of the Board.

(2) A committee composed of members and non-members of the Board shall be chaired by a member of the Board.

(3) Section 10 applies to members of committees of the Board.

**Fisheries Settlement Committee**

12. (1) Without limiting subsection (1) of section 11, there is established the Fisheries Settlement Committee.

(2) The Board shall develop guidelines for the composition and procedure of the Fisheries Settlement Committee and related matters.

(3) The Fisheries Settlement Committee shall hear and settle complaints from persons aggrieved about matters related to the fishing industry.

(4) A person dissatisfied with a decision of the Fisheries Settlement Committee may apply to the Board for a review of the decision.

(5) A person who is dissatisfied with a decision under subsection (4) may appeal to the Minister for a review of the decision.

(6) A person who is dissatisfied with a decision under subsection (5) may seek redress in Court.

(7) Despite subsection (3), the Fisheries Settlement Committee shall not hear any matter or complaint concerning the violation of a provision of this Act or Regulations made under this Act.

#### **Co-management committees**

13. (1) Without limiting subsection (1) of section 11, the Board may establish co-management committees, including the Scientific and Management Committee as may be determined by the Board for the attainment of the object of the Commission.

(2) The co-management committees may consist of staff of the Commission, members of fishing communities and representatives of other stakeholders with identifiable expertise to perform a function.

#### **Functions of a co-management committee**

14. A co-management committee may, in collaboration with the Commission,

- (a) develop and review an operational co-management plan for the fishery management area and fish stocks under the jurisdiction of the co-management committee;
- (b) make recommendations to the Commission for the approval of the operational co-management plan;
- (c) coordinate dissemination of the approved plan and any revisions to all stakeholders;
- (d) facilitate the implementation of the approved management measures, including measures on closed season and closed areas; and
- (e) perform any other function determined by the Commission.

**Procedures of co-management committees**

15. The Board shall, acting on the advice of the Executive Director, by guidelines, prescribe the procedures, powers and related matters of co-management committees established under section 13.

**Allowances**

16. Members of the Board and members of a committee of the Board shall be paid the allowances determined by the Minister in consultation with the Minister responsible for Finance.

**Policy directives**

17. The Minister may give directives in writing to the Commission on matters of policy and the Commission shall comply.

*Administrative Provisions*

**Divisions and specialised units of the Commission**

18. (1) The Commission may establish divisions and specialised units of the Commission as determined by the Board for the effective and efficient performance of the functions of the Commission.

(2) Without limiting subsection (1), the Commission may establish the following Divisions:

- (a) Aquaculture Division;
- (b) Marine Fisheries Management Division;
- (c) Inland Fisheries Management Division;
- (d) Fisheries Scientific Survey Division;
- (e) Monitoring, Control and Surveillance Division;
- (f) Post-harvest Management and Trade Division;
- (g) Human Resources Division;
- (h) Planning, Budget, Monitoring and Evaluation Division;
- and
- (i) Finance and Administration Division.

(3) Without limiting subsection (1), the Commission may establish the following specialised units:

- (a) Legal and Corporate Affairs Unit;

- (b) Aquatic Animal Health Unit;
- (c) Internal Audit Unit as specified in section 26; and
- (d) Information and Communication Technology Unit.

(4) A division and a specialised unit of the Commission shall be headed by a Director.

(5) The Commission may establish further divisions or specialised units or restructure an existing division or specialised unit for the effective and efficient performance of the functions of the Commission.

(6) For the purpose of determining the functions of the divisions and specialised units of the Commission, the Executive Director shall, on the approval of the Board, develop a Scheme of Service which sets out the duties and responsibilities of each division and specialised unit under the Commission.

#### **Regional and district offices of the Commission**

19. (1) The Commission may, on the recommendation of the Board, establish regional and district offices of the Commission.

(2) A regional or district office of the Commission shall perform the functions of the Commission in the region or district as the Board may direct.

(3) A regional office of the Commission shall be headed by a Director of the Commission.

#### **Appointment of Executive Director**

20. (1) The President shall, in accordance with article 195 of the Constitution, appoint an Executive Director for the Commission.

(2) The Executive Director shall hold office on the terms and conditions specified in the letter of appointment.

(3) The President shall, in appointing the Executive Director, have regard to the competence, knowledge and expertise of the person being appointed.

#### **Functions of the Executive Director**

21. (1) The Executive Director

- (a) is responsible for the day-to-day administration of the Commission;

- (b) is answerable to the Board in the performance of functions under this Act;
- (c) shall ensure the implementation of the decisions of the Board; and
- (d) shall perform any other function determined by the Board.

(2) The Executive Director may, in writing, delegate a function to an officer of the Commission but is not relieved from the ultimate responsibility for the performance of the delegated function.

#### **Appointment of Deputy Executive Directors**

22. (1) The President shall, in accordance with article 195 of the Constitution, appoint two Deputy Executive Directors for the Commission, one for Technical Services and the other for General Services.

(2) The President shall have regard to the Scheme of Service of the Commission in making the appointment of a Deputy Executive Director.

(3) A Deputy Executive Director shall hold office on the terms and conditions specified in the letter of appointment.

#### **Functions of a Deputy Executive Director**

23. (1) A Deputy Executive Director shall

- (a) assist the Executive Director in the performance of functions of the Executive Director; and
- (b) perform any other function that may be assigned by the Executive Director.

(2) A Deputy Executive Director is responsible to the Executive Director in the performance of the functions of the Deputy Executive Director.

(3) The most senior Deputy Executive Director shall act in the absence of the Executive Director.

#### **Secretary to the Board**

24. (1) The Executive Director shall, in consultation with the Board, designate a person appointed under section 25, who is not below the rank of a Deputy Director as Secretary to the Board.

(2) The Secretary shall

- (a) arrange the business of the Board;
- (b) attend meetings of the Board;
- (c) record and keep minutes of the meetings of the Board; and
- (d) perform any other function that the Board may direct.

(3) The Secretary is answerable to the Board in the performance of the functions of the Secretary.

#### **Appointment of other staff**

25. (1) The President shall, in accordance with article 195 of the Constitution, appoint other staff of the Commission that are necessary for the effective and efficient performance of the functions of the Commission.

(2) Other public officers may be transferred or seconded to the Commission or may otherwise give assistance to the Commission.

(3) The Commission may, for the effective and efficient performance of the functions of the Commission, engage the services of advisers and consultants on the recommendation of the Board.

#### **Internal Audit Unit**

26. (1) The Commission shall have an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921).

(2) The Internal Audit Unit shall be headed by an Internal Auditor who shall be appointed in accordance with the Internal Audit Agency Act, 2003 (Act 658).

(3) The Internal Auditor is responsible for the internal audit of the Commission.

(4) The Internal Auditor shall, subject to subsections (3) and (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658), at intervals of three months,

- (a) prepare and submit to the Board, a report on the internal audit carried out during the period of three months immediately preceding the preparation of the report; and
- (b) make recommendations in each report with respect to matters which appear to the Internal Auditor as necessary for the conduct of the affairs of the Commission.

(5) The Internal Auditor shall, in accordance with subsection (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658), submit a copy of each report prepared under this section to the Executive Director and the chairperson of the Board.

*Financial Provisions*

**Funds of the Commission**

27. The funds of the Commission include

- (a) moneys approved by Parliament;
- (b) not less than thirty per cent of the proportion of moneys in the Fisheries and Aquaculture Development Fund as may be approved by the Management Committee for the Fund towards the expenditure of the Commission;
- (c) the return on investment of funds by the Commission;
- (d) fees and charges from licences issued under this Act;
- (e) administrative penalties;
- (f) donations, gifts and grants; and
- (g) any other internally generated funds.

**Exemption from taxes and rates**

28. Subject to article 174 of the Constitution and the Exemptions Act, 2022 (Act 1083), the Commission is exempt from the payment of taxes and rates.

**Bank account of the Commission**

29. The Commission shall open a bank account, with the approval of the Controller and Accountant-General, into which moneys received by the Commission shall be paid.

**Borrowing powers**

30. (1) Subject to article 181 of the Constitution and section 76 of the Public Financial Management Act, 2016 (Act 921), and with the prior consent in writing of the Minister responsible for Finance, the Commission may borrow money for the purposes of the performance of the functions of the Commission under this Act.

(2) For the purpose of subsection (1), the Commission may mortgage, charge or pledge a right, title or interest in any of the properties of the Commission.

**Accounts and audit**

31. (1) The Board shall keep books, records, returns and other documents relevant to the accounts in the form approved by the Auditor-General.

(2) The Board shall submit the accounts of the Commission to the Auditor-General for audit at the end of the financial year.

(3) The Auditor-General shall, within six months after the end of the immediately preceding financial year,

(a) audit the accounts of the Commission and submit the audit report to Parliament; and

(b) forward a copy each of the audit report to the Minister and the Board.

(4) The financial year of the Commission is the same as the financial year of the Government.

**Annual report and other reports**

32. (1) The Board shall, within thirty working days after the receipt of the audit report, submit to the Minister, an annual report covering the activities and the operations of the Commission for the year to which the annual report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall, within thirty working days after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall submit to the Minister any other report which the Minister may require in writing.

*Fisheries and Aquaculture Development Fund***Establishment of the Fisheries and Aquaculture Development Fund**

33. There is established by this Act, the Fisheries and Aquaculture Development Fund.

**Objects of the Fund**

34. The objects of the Fund are to

(a) finance the promotion and development of fisheries and aquaculture in the country;

- (b) fund the activities of the Commission in respect of monitoring, control and surveillance of
  - (i) the fishery waters;
  - (ii) Ghanaian fishing vessels engaged in fishing or fishing-related activities wherever the Ghanaian fishing vessels are; and
  - (iii) aquaculture establishments;
- (c) provide assistance to small-scale fishery and aquaculture enterprises;
- (d) fund the operationalisation of co-management committees;
- (e) fund the restoration of damaged habitats and ecosystems;
- (f) fund research and studies in marine fisheries, inland fisheries and aquaculture sector; and
- (g) finance any other purposes connected to the objects of the Commission determined by the Commission in consultation with the Minister.

**Sources of money for the Fund**

35. (1) The sources of money for the Fund are

- (a) a percentage of fees accruing to the Commission for licences, permits and any other authorisation for fishing and aquaculture issued under this Act as may be approved by the Minister in consultation with the Minister responsible for Finance;
  - (b) damages, compensations and costs granted by the Courts to the Republic in respect of an action under this Act or Regulations made under this Act;
  - (c) sums of money received for compounded offences;
  - (d) seventy per cent of fines imposed by the Courts in respect of actions under this Act or Regulations made under this Act; and
  - (e) proceeds from the sale of forfeited items collected, imposed or received by or under this Act.
- (2) Despite subsection (1), Parliament may approve the payment of seed moneys into the Fund.

**Bank account of the Fund**

36. Moneys for the Fund shall be paid into a bank account opened for that purpose by the Board with the approval of the Controller and Accountant-General.

**Management of the Fund**

37. (1) The Fund shall be managed by a Management Committee which comprises

- (a) a chairperson;
- (b) the Director of Finance of the Commission;
- (c) two representatives of the Board, nominated by the Board;
- (d) one representative from the Ministry nominated by the Minister; and
- (e) one representative each of the following:
  - (i) Controller and Accountant-General nominated by the Controller and Accountant-General; and
  - (ii) the Ministry responsible for Finance nominated by the Minister responsible for Finance.

(2) The Minister shall appoint the chairperson and other members of the Management Committee.

(3) The Management Committee shall, in consultation with the Board, make recommendations to the Minister regarding the disbursement of the Fund.

(4) The Minister may issue guidelines and further directives that are necessary to guide the use of the resources under the Fund.

(5) Sections 31 and 32 on accounts and audit and annual report and other reports, respectively, apply to the Fund.

*Marine Fisheries Management Plan and Conservation Measures***Marine fisheries management plan**

38. (1) The Commission shall, in consultation with relevant organisations, prepare a marine fisheries management plan for the management and development of the marine fisheries sector.

(2) The marine fisheries management plan prepared by the Commission under subsection (1) shall

- (a) be based on the best scientific information available;

- (b) ensure the sustainable exploitation of the marine fishery resources but avoid over-exploitation;
- (c) ensure the rational use of resources shared by aquaculture and other activities; and
- (d) be consistent with good management principles and relevant fishery conventions and international agreements.

(3) The marine fisheries management plan may relate to a designated marine fishery area, a specific duration, a specific water area or a specific species of fish.

(4) The Commission shall submit the marine fisheries management plan prepared under subsection (1) to the Minister for approval by Cabinet.

(5) The Minister shall publish in the *Gazette* and a newspaper of nationwide circulation the effective date of implementation of the marine fisheries management plan approved under subsection (4).

#### **Marine fisheries reserve**

39. (1) The Minister shall, on the advice of the Commission and after consultation with relevant organisations, agencies, owners of the adjoining land, the relevant District Assembly and other stakeholders, declare by notification in the *Gazette*, an area of the fishery waters and the seabed underlying the waters to be a marine fisheries reserve.

(2) The advice under subsection (1) shall be based on a scientific assessment.

(3) A person shall not, except with the written permission of the Minister,

- (a) engage in fishing,
- (b) dredge or take sand or gravel, or
- (c) otherwise disturb the natural habitat

within a marine fisheries reserve.

(4) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to

- (a) a fine of not less than one thousand penalty units and not more than ten thousand penalty units, in the case of an inland artisanal fishing vessel, a marine artisanal fishing vessel or a semi-industrial vessel,

- (b) a fine of not less than the Cedi equivalent of two hundred thousand United States Dollars and not more than one million United States Dollars, in the case of a Ghanaian industrial fishing vessel, or
- (c) a fine of not less than the Cedi equivalent of five hundred thousand United States Dollars and not more than two million United States Dollars, in the case of a foreign fishing vessel,

and shall in addition forfeit to the Commission the catch, the fishing gear or any other apparatus or a combination of the catch, fishing gear or any other apparatus used in the commission of the offence.

#### **Designation of inshore exclusion zone**

**40.** (1) The Minister shall, on the advice of the Commission and after consultation with the Ghana Maritime Authority and other relevant stakeholders, designate an area of the fishery water resources of the country as an inshore exclusion zone by publication in the *Gazette*.

(2) A person shall not use an industrial fishing vessel, a large semi-industrial fishing vessel for fishing or fishing-related activities, or a canoe support vessel to fish in a water area designated as an inshore exclusion zone.

(3) A person shall not use a towing gear within the area designated as an inshore exclusion zone under this Act.

(4) An area declared or designated as an inshore exclusion zone shall be used exclusively by semi-industrial vessels, canoes and recreational fishing vessels for

- (a) fishing,
- (b) fishing-related activities, or
- (c) purposes of research

with a fishing gear prescribed by the Commission.

(5) Despite subsection (1), the Commission may, after consultation with relevant stakeholders, permit a large semi-industrial vessel or a tuna bait boat to enter an inshore exclusion zone for the capture of specific species of fish.

*Inland Fisheries Management Plan and Conservation Measures*

**Inland fisheries management plan**

41. (1) The Commission shall, in consultation with relevant organisations, including relevant District Assemblies and traditional leaders, prepare an inland fisheries management plan for the management and development of the inland fisheries sector.

(2) An inland fisheries management plan prepared by the Commission under subsection (1) shall take into account the relevant economic, social and environmental factors and the best scientific information available regarding the conservation and utilisation of the inland fisheries resources of the country to ensure

- (a) the management, protection and conservation of aquatic ecosystems;
- (b) the promotion, sustainable exploitation and protection of inland fisheries resources;
- (c) a continuous assessment of relevant fish stock; and
- (d) the promotion of co-operation with other countries for research, management and development of shared resources.

(3) The Commission shall promote sustainable harvesting, management, conservation and protection measures for inland water and ecosystems of inland water in accordance with international laws and agreements to which the Republic is a party.

(4) An inland fisheries management plan may relate to a designated inland water body or a specific specie of fish.

(5) The Commission shall submit the inland fisheries management plan prepared under subsection (1) to the Minister for approval by Cabinet.

(6) The Minister shall publish in the *Gazette* and a newspaper of nationwide circulation the effective date of implementation of the inland fisheries management plan approved under subsection (5).

**Inland fisheries reserve**

42. (1) The Minister shall, on the advice of the Commission and in consultation with stakeholders including the Wildlife Division of the

Forestry Commission, the relevant co-management committees, District Assemblies and traditional leaders, declare by publication in the *Gazette*, an area of the inland fisheries waters as an inland fisheries reserve where the Minister considers that special measures are necessary to

- (a) conserve the aquatic environment;
- (b) protect, conserve or rehabilitate the fish habitat-related ecosystems, including wetlands, lakes, lagoons, nurseries and spawning areas, which are essential to maintaining the integrity of an ecosystem, species or assemblages of species;
- (c) promote regeneration of fish stocks; or
- (d) protect fisheries resources and the environment of fisheries resources from destruction, degradation, pollution and any other adverse impact through human activities that threaten the sustainable utilisation of fish in inland waters.

(2) A person shall not, without the written authorisation of the Executive Director,

- (a) engage in any activity for fishing, or
- (b) dredge or extract any material or discharge or deposit any waste or other polluting matter or in any other way destroy, disturb or interfere with the natural environment of fish and related ecosystems

within an inland fisheries reserve declared under subsection (1).

(3) The Minister may, where the sustainable utilisation of fish in inland waters is threatened, by notice in the *Gazette*, prohibit or limit the number of licences that may be issued in respect of any one or both types of regulated fishing gear either in general or in respect of a particular area or for a specified period.

(4) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than ten thousand penalty units.

#### **Designation of inland exclusion fishing zone**

43. (1) The Minister shall, on the advice of the Commission and after consultation with the Water Resources Commission, the Wildlife Division of the Forestry Commission, the Ghana Maritime Authority, the National Inland Canoe Fishermen Council, relevant District

Assemblies and other relevant stakeholders, designate an area of the inland fishery water resources of the country as an inland exclusion fishing zone by publication in the *Gazette*.

(2) An area designated as an inland exclusion fishing zone shall be used exclusively by inland fishing vessels and fishing gear that may be prescribed by the Commission.

(3) A person shall not use an industrial or semi-industrial fishing vessel for fishing or a support vessel to fish in a water area designated as an inland exclusion fishing zone.

*General Conservation Measures*

**Pollution of fishery waters**

44. (1) A person shall not directly or indirectly introduce a deleterious substance into the fishery waters which

- (a) adversely affects the habitat or health of the fish or any other living aquatic resource; or
- (b) results in fish mortality.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of

- (a) not less than one thousand penalty units and not more than ten thousand penalty units, in the case of an inland artisanal fishing vessel, a marine artisanal fishing vessel or a semi-industrial vessel,
- (b) not less than the Cedi equivalent of two hundred thousand United States Dollars and not more than one million United States Dollars, in the case of a Ghanaian industrial vessel, or
- (c) not less than the Cedi equivalent of five hundred thousand United States Dollars and not more than two million United States Dollars, in the case of a foreign fishing vessel.

and shall, in addition, forfeit to the Commission the catch, fishing gear or any other apparatus or a combination of the catch, fishing gear or any other apparatus used in the commission of the offence.

**Fishing for endangered, threatened and protected species**

45. (1) A person shall not fish for endangered, threatened or protected species in the fishery waters of the Republic unless with written authorisation from the Commission, in consultation with the Water Resources Commission and the Wildlife Division of the Forestry Commission.

(2) For the purpose of subsection (1), the Minister, acting on the advice of the Board and in consultation with the Water Resources Commission and the Wildlife Division of the Forestry Commission, shall, by legislative instrument, make Regulations to prescribe species considered endangered, threatened or protected in accordance with international conventions, treaties and agreements.

(3) An endangered, threatened or protected species caught accidentally shall be released immediately and returned to the waters from which the endangered, threatened or protected species was taken with the least possible injury.

(4) Where the injury is severe, the endangered, threatened or protected species accidentally caught shall be taken to or brought to the attention of the competent authority.

(5) A person who contravenes subsection (1), (3) or (4) commits an offence and is liable on summary conviction to a fine of

- (a) not less than one thousand penalty units and not more than ten thousand penalty units, in the case of an inland artisanal fishing vessel, a marine artisanal fishing vessel or a semi-industrial fishing vessel,
  - (b) not less than the Cedi equivalent of two hundred thousand United States Dollars and not more than one million United States Dollars, in the case of a Ghanaian industrial fishing vessel, or
  - (c) a fine of not less than the Cedi equivalent of five hundred thousand United States Dollars and not more than two million United States Dollars, in the case of a foreign fishing vessel,
- and shall, in addition, forfeit to the Commission the catch, fishing gear or any other apparatus or a combination of the catch, fishing gear or any other apparatus used in the commission of the offence.

**Protection of gravid and juvenile lobsters and other juvenile fishes**

46. (1) A person shall not, during fishing, take
- (a) gravid and juvenile lobsters;
  - (b) gravid and juvenile molluscs;
  - (c) juvenile fish, or
  - (d) any other fish species as may be determined by the Commission.

(2) Where a fish referred to in subsection (1) is caught accidentally or as a by-catch, the fish shall immediately be returned to the sea, lagoon, river or lake by the fisher.

(3) Despite subsection (1), the Minister shall, acting on the advice of the Board by legislative instrument, make Regulations to publish a list of prohibited or endangered fishery resources or fishes as well as minimum legal landing size of commercially important fish species.

(4) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of

- (a) not less than one thousand penalty units and not more than ten thousand penalty units, in the case of an inland artisanal fishing vessel, a marine artisanal fishing vessel or a semi-industrial vessel,
- (b) not less than the Cedi equivalent of two hundred thousand United States Dollars and not more than one million United States Dollars, in the case of a Ghanaian industrial vessel, or
- (c) not less than the Cedi equivalent of five hundred thousand United States Dollars and not more than two million United States Dollars, in the case of a foreign fishing vessel

and shall, in addition, forfeit to the Commission the catch, fishing gear or any other apparatus or a combination of the catch, fishing gear or any other apparatus used in the commission of the offence.

**Closed season**

47. (1) The Minister may, by notice in the *Gazette*, based on verifiable scientific information, declare a closed season, including the duration of the closed season, for fishing in specified areas of the marine waters, inland waters or the riverine system.

- (2) A declaration under subsection (1) shall be
- (a) made at least three months in advance of the closed season,
  - (b) given reasonable publicity, and
  - (c) published in a newspaper of nationwide circulation.

(3) A closed season declared by an international body of which Ghana is a member shall be regarded as a closed season declared under this Act.

(4) A person who engages in fishing during a closed season declared in accordance with this section commits an offence and is liable on summary conviction to a fine of

- (a) not less than one thousand penalty units and not more than ten thousand penalty units, in the case of an inland artisanal fishing vessel, a marine artisanal fishing vessel or a semi-industrial vessel,
- (b) not less than the Cedi equivalent of two hundred thousand United States Dollars and not more than one million United States Dollars, in the case of a Ghanaian industrial vessel, or
- (c) a fine of not less than the Cedi equivalent of five hundred thousand United States Dollars and not more than two million United States Dollars, in the case of a foreign fishing vessel

and shall, in addition, forfeit to the Commission the catch, fishing gear, vessel or any other apparatus or a combination of the catch, fishing gear, vessel or any other apparatus used in the commission of the offence.

(5) The Minister may, in furtherance of subsection (1), impose a ban on fishing activities for a specific number of days, specific fishery waters and specific water bodies as the Minister may determine.

#### **International conservation and management obligations**

48. (1) The Ministry may, on the advice of the Commission, enter into an international agreement with another State for the purpose of cooperation, coordination or harmonising fisheries management measures for fish that occur within and beyond areas of national jurisdiction.

(2) International agreements on fisheries management entered into under subsection (1) may relate to

- (a) the establishment of harmonised or joint monitoring, control and surveillance;
- (b) standards for actions and measures to be taken to combat illegal, unreported and unregulated fishing activities; and
- (c) any other matter related to fisheries management.

(3) The Minister shall, by notice in the *Gazette*, publish the list of international fisheries conservation and management measures which are binding on the Republic.

(4) The Minister may, on the recommendations of the Commission, impose additional conditions on fishing licences and authorisations issued under this Act that the Minister may consider necessary for the purpose of giving effect to any international conservation and management measures included in the *Gazette* Notice published under subsection (3).

(5) The operator of

- (a) a fishing vessel entitled to fly the flag of Ghana, or
- (b) a fishing vessel in the fishery waters of the Republic

that contravenes an international agreement on fisheries management referred to in subsection (2) is liable to pay to the Commission an administrative penalty of not more than the Cedi equivalent of two million United States Dollars.

#### **Prohibition of Illegal, Unreported and Unregulated fishing**

49. (1) A foreign fishing vessel engaged in fishing and fishing-related activities operating in the fishery waters of the Republic or a Ghanaian fishing vessel engaged in fishing and fishing-related activities operating within or outside the fishery waters shall not engage in Illegal, Unreported and Unregulated fishing.

(2) For the purpose of this Act, a fishing vessel is presumed to be engaged in Illegal, Unreported and Unregulated fishing if it is shown that, contrary to the conservation and management measures applicable in the fishing area concerned,

- (a) the fishing vessel has been used to fish without a valid licence, authorisation or permit issued by the flag State or the relevant coastal State;

- (b) the operator of the fishing vessel has not fulfilled the obligations to record and report catch or catch-related data, including data to be transmitted by a monitoring system;
- (c) the operator of the fishing vessel fails to report, or misreports the fishing activity engaged in by the fishing vessel in contravention of this Act and Regulations made under this Act;
- (d) the operator of the fishing vessel conducts fishing activity in the area of competence of a regional fisheries management organisation and does not report or misreports the fishing activity undertaken in contravention of the reporting procedures of the regional fisheries management organisation;
- (e) fishing activities in the area of application of a regional fisheries management organisation that are conducted by vessels without nationality, or by vessels flying the flag of a State not party to that organisation, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of the regional fisheries management organisation;
- (f) fishing activities are conducted
  - (i) in areas or for fish stocks in relation to which there are no applicable conservation or management measures, and
  - (ii) in a manner inconsistent with responsibilities of the Republic or the conservation of living marine resources under international law;
- (g) the fishing vessel has been used to fish in a closed area, during a closed season, without or after attainment of a quota or beyond a closed depth;
- (h) the owner, operator, charterer or master of the fishing vessel has falsified documents in relation to the fishing vessel;
- (i) the fishing vessel has engaged in fishing a stock which is subject to a moratorium or for which fishing is prohibited;

- (j) the fishing vessel used prohibited or non-compliant fishing gear;
- (k) the fishing vessel has falsified or concealed the markings, identity or registration of the fishing vessel;
- (l) the operator of the fishing vessel has concealed, tampered with or disposed of evidence relating to an investigation concerning the fishing activities of the fishing vessel;
- (m) the operator of the fishing vessel has obstructed the work of officials in the exercise of duties in the inspection of the fishing vessel for compliance with applicable conservation and management measures or the work of an observer in the exercise of duties under this Act;
- (n) the fishing vessel has taken on board, transshipped or landed undersized fish in contravention of this Act or the conditions of the licence in force;
- (o) the fishing vessel has engaged in transshipment with other fishing vessels identified as having engaged in activities that may be prescribed as Illegal, Unreported and Unregulated fishing under this section;
- (p) the fishing vessel has carried out fishing activities in the area of a regional fisheries management organisation in a manner inconsistent with or in contravention of the conservation measures of that organisation and is flagged to a State not party to that organisation or not cooperating with that organisation as established by that organisation;
- (q) the fishing vessel is used for fishing but has no nationality and is a stateless fishing vessel in accordance with international law;
- (r) the fishing vessel is engaged in a fishing activity with another fishing vessel which is on the Illegal, Unreported and Unregulated list or on the register of a regional fishing management organisation; or
- (s) the operator of the fishing vessel has conducted business directly connected with Illegal, Unreported and Unregulated fishing, including trading in or the importation of fishery products.

(3) A person who undertakes any of the activities identified as Illegal, Unreported and Unregulated fishing under subsection (2) commits an offence and is liable on summary conviction to a fine of

- (a) not less than one thousand penalty units and not more than ten thousand penalty units, in the case of an artisanal fishing vessel or a semi-industrial fishing vessel,
- (b) not less than the Cedi equivalent of two hundred thousand United States Dollars and not more than the Cedi equivalent of one million United States Dollars for a first-time contravention, in the case of a Ghanaian industrial fishing vessel, or
- (c) not less than the Cedi equivalent of five hundred thousand United States Dollars and not more than the Cedi equivalent of two million United States Dollars for a first-time contravention, in the case of a foreign fishing vessel or a fishing-related vessel,

and shall, in addition, forfeit to the Commission, the catch, fishing gear or any other apparatus or a combination of the catch, fishing gear or any other apparatus used in the commission of the offence.

(4) Where a person undertakes any of the activities identified as Illegal, Unreported and Unregulated fishing under subsection (2) for a second time, the person is liable to the fines specified in subsection (3) and in addition, the Commission shall suspend the licence or authorisation of the person for a period of not more than six months.

(5) Where a person undertakes any of the activities identified as Illegal, Unreported and Unregulated fishing under subsection (2) for a third time, the person is liable to the fines specified in subsection (3) and in addition, the Commission shall

- (a) revoke the licence or authorisation for the period granted and take immediate steps to have the name of the fishing vessel deleted from the Ghana Shipping Registry by the Ghana Maritime Authority; and
- (b) publish the name of the fishing vessel in the Illegal, Unreported and Unregulated fishing list or register of Regional Fisheries Management Organisations.

(6) Subject to this Act or any other enactment, a person that exports fish and fishery products and undertakes any of the activities

identified as Illegal, Unreported and Unregulated fishing commits an offence and is liable on summary conviction to a fine of

- (a) not less than the Cedi equivalent of twenty thousand United States Dollars and not more than the Cedi equivalent of two million United States Dollars for a first-time contravention; and
- (b) not less than the Cedi equivalent of one million United States Dollars and not more than the Cedi equivalent of two million United States Dollars for subsequent contraventions or five times the value of the export, whichever is greater.

#### **Fisheries Impact Assessment**

50. (1) A person that plans to conduct an activity other than fishing, which is likely to have a substantial impact on the fishery resources or other aquatic resources of the Republic, shall inform the Commission of the plans of the person before the commencement of the planned activity for the purposes of the conservation, the protection of the resources and the conduct of a Fisheries Impact Assessment.

(2) Subject to subsection (1), the Commission shall require the report of a Fisheries Impact Assessment or make recommendations regarding the likely impact of the activity on the fishery resources or other aquatic resources of the Republic and possible means of preventing or minimising adverse impacts, which shall be taken into account by the person and the Government.

(3) The requirement under this section is in addition to any other requirement of the Environmental Protection Authority.

(4) Despite anything in this Act, the Commission shall issue a written notice to a person responsible for a fishery activity or any other activity that requests for a Fisheries Impact Assessment within a specified period where the Commission considers it necessary to conserve or protect fishery resources.

(5) A person who contravenes this section is liable to pay to the Commission an administrative penalty of not more than the Cedi equivalent of one million United States Dollars.

*Importation and Construction of Fishing Vessels***Importation of vessel to engage in fishing and fishing-related activities**

51. (1) A person shall not import a vessel for fishing operations or fishing-related activities unless the importation is approved by the Minister.

(2) Subject to the Ghana Shipping Act, 2003 (Act 645), the Commission shall make a recommendation to the Ghana Maritime Authority for the registration of vessels to engage in fishing operations or fishing-related activities.

(3) The Commission shall, in making the recommendation under subsection (2), conduct due diligence to check the Illegal, Unreported and Unregulated fishing status or any other requirement of the vessel to engage in fishing and fishing-related activities.

(4) This section does not apply to an artisanal fishing vessel.

**Construction of artisanal or semi-industrial fishing vessel**

52. (1) A person shall not construct, build, alter or modify an artisanal or a semi-industrial fishing vessel unless,

- (a) that person is registered with the Commission; and
- (b) the construction, building, alteration or modification is in accordance with specifications prescribed by Regulations made under this Act.

(2) For the purpose of subsection (1), the Commission shall collaborate with the Ghana Maritime Authority, the Ghana National Canoe Carvers Association, traditional leaders and other relevant agencies for the construction of an artisanal or a semi-industrial fishing vessel.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than two thousand penalty units or to a term of imprisonment of not less than three months and not more than six months, or to both.

**Application for permit to construct artisanal or semi-industrial fishing vessel**

53. A person who intends to construct, build, alter or modify an artisanal or a semi-industrial fishing vessel shall

- (a) apply in the prescribed form to the Commission;

- (b) submit the application through the relevant Chief Fisherman to the designated office of the Commission in the district;
- (c) possess a relevant National Identification Card;
- (d) submit a design approved by the Commission;
- (e) pay the prescribed fee; and
- (f) fulfil any other requirement determined by the Commission.

**Grant of permit to construct artisanal or semi-industrial fishing vessel**

54. (1) The Commission shall, in collaboration with the Ghana Maritime Authority, grant a person a permit to construct, build, alter or modify an artisanal or a semi-industrial fishing vessel where the applicant fulfils the requirements specified in section 53.

(2) The Commission shall, within fourteen working days, inform the applicant in writing of the decision of the Commission.

(3) The Commission shall, in the grant of a permit under subsection (1), provide a person with the identification markings for

- (a) the vessel, and
- (b) the fishing gear related to the vessel

as prescribed by Regulations made under this Act.

**Refusal of permit to construct artisanal or semi-industrial fishing vessel**

55. (1) The Commission may refuse to grant a permit to construct, build, alter or modify an artisanal or semi-industrial fishing vessel if the applicant

- (a) fails to submit a complete application;
- (b) submits false or misleading information;
- (c) fails to attach any relevant documents required; or
- (d) fails to pay the prescribed fee.

(2) Where an application is refused, the Commission shall, within seven working days, communicate the decision in writing to the applicant, stating the reasons for the refusal.

*Licence for Fishing and Fishing-Related Activities***Prohibition of fishing or fishing-related activities without a fishing licence**

56. (1) A person shall not use a Ghanaian fishing vessel, a bare-boat or a canoe for fishing or fishing-related activities in the fishery waters of the Republic unless that person is

- (a) registered with the Commission as an owner or a charterer of a fishing vessel; and
- (b) issued with a fishing licence for that purpose under this Act.

(2) A person shall not fish or attempt to fish within the fishery waters of the Republic using a foreign fishing vessel or a chartered foreign fishing vessel unless that person

- (a) has a fishing licence or authorisation issued in accordance with this Act;
- (b) is authorised under an access agreement between the Government and the Government of the country in which the fishing vessel is registered or otherwise belongs; or
- (c) does so under circumstances recognised by international law.

(3) Despite subsection (2), a foreign fishing vessel may enter the fishery waters of the Republic for the sole purpose of innocent passage, or by reason of *force majeure* or distress or for the purpose of rendering assistance to a person, a fishing vessel, a ship or an aircraft in danger, in distress or for any other purpose recognised by international law.

(4) A person who

- (a) contravenes subsection (1) in respect of an inland artisanal fishing vessel, marine artisanal fishing vessel or Ghanaian semi-industrial fishing vessel commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than ten thousand penalty units,
- (b) contravenes subsection (1) in respect of a Ghanaian industrial fishing vessel commits an offence and is liable on summary conviction to a fine of not less than the Cedi

equivalent of two hundred thousand United States Dollars and not more than one million United States Dollars in the case of a Ghanaian Industrial vessel, or

- (c) contravenes subsection (2) in respect of a foreign fishing vessel commits an offence and is liable on summary conviction to a fine of not less than the Cedi equivalent of five hundred thousand United States Dollars and not more than two million United States Dollars;

and shall, in addition, forfeit to the Commission the catch, fishing gear, vessel or any other apparatus or a combination of the catch, fishing gear, vessel or any other apparatus used in the commission of the offence.

#### **Types of fishing licences**

57. (1) For the purpose of fishing or fishing-related activities under this Act, the Commission shall, subject to the approval of the Minister, issue the following fishing licences:

- (a) a licence to operate a Ghanaian industrial fishing vessel;
- (b) a licence to operate a Ghanaian semi-industrial fishing vessel;
- (c) a licence to operate a foreign vessel engaged in fishing or fishing-related activities;
- (d) a licence to operate an inland artisanal fishing vessel;
- (e) a licence to operate a marine artisanal fishing vessel;
- (f) a licence to operate a Ghanaian vessel engaged in fishing-related activities; and
- (g) any other licence that the Commission may determine.

(2) A fishing licence issued by the Commission is a licence to operate

- (a) a Ghanaian industrial fishing vessel, where the commercial fishing activity related to the licence is carried out in the marine fishery waters of the Republic with a motorised fishing vessel and industrial gear as prescribed by the Regulations;
- (b) a Ghanaian semi-industrial fishing vessel, where the commercial fishing activity related to the licence is carried out in the marine fishery waters of the Republic with a

semi-industrial vessel and the related fishing gear as prescribed by the Commission;

- (c) a foreign vessel engaged in fishing or fishing-related activities, where the fishing or fishing-related activity related to the licence is carried out in the marine fishery waters of the Republic with a foreign vessel operating under an access arrangement or agreement made under this Act;
- (d) an inland artisanal fishing vessel, where the fishing activity related to the licence is carried out by citizens in the inland waters of the Republic, including rivers, lakes, ponds, wetlands and related waters with motorised vessels and fishing gear as prescribed by the Commission;
- (e) a marine artisanal fishing vessel, where the fishing activity related to the licence is carried out by citizens in the traditional fishing grounds or areas for marine artisanal fishing with vessels and fishing gear as prescribed by the Commission; or
- (f) a Ghanaian vessel engaged in fishing-related activities, where the vessel related to the licence is used for fishing-related activities, including authorised transshipment, refueling or supplying fishing vessels or activities supporting fishing operations.

(3) Despite subsection (2), the Commission may, by Regulations, classify artisanal fishing vessels on specified criteria, including length, tonnage, type of fishing gear required, target species, fishing method, power, crew size and other related considerations.

#### **Qualification for licence to operate Ghanaian fishing vessel**

**58.** (1) A Ghanaian fishing vessel is a fishing vessel

- (a) owned or controlled by a citizen, the Government or owned or controlled by a company or partnership registered by law in the Republic and the share of which is beneficially owned wholly by the Government, a citizen, a public corporation established by law in the Republic or a combination of any of them;

- (b) in the case of a tuna fishing vessel, where at least fifty per cent of the shares in the vessel is beneficially owned or controlled by the persons specified in paragraph (a) and registered in the Republic; or
- (c) where it is a bare boat chartered by any of the persons specified in paragraph (a).

(2) The Commission shall not issue a licence to operate a Ghanaian fishing vessel unless

- (a) the vessel related to the application has been registered under the Ghana Shipping Act, 2003 (Act 645);
- (b) the vessel is seaworthy and fit for the purpose of fishing in accordance with conditions prescribed by the Commission, in consultation with the Ghana Maritime Authority;
- (c) the vessel conforms with the requirements that are applicable to the vessel under an enactment in force, including requirements on navigation, communication and safety equipment;
- (d) details of beneficial ownership arrangements of the vessel are provided;
- (e) records which outline the destination of profits derived from fishing activities in relation to the vessel are provided; and
- (f) the conditions of service for fishers are disclosed.

(3) For the purpose of ensuring compliance with this Act and the Regulations made under this Act, a fishing vessel related to industrial and foreign vessels under this Act shall not be approved unless the fishing vessel is fitted with a monitoring device prescribed by the Commission.

(4) In the case of a Ghanaian semi-industrial fishing vessel and an artisanal fishing vessel, the Commission shall not issue a fishing licence unless the fishing vessel

- (a) is owned by a citizen of Ghana or a company registered in accordance with the relevant law in which all the shares are beneficially held by a citizen;
- (b) has been registered with the Commission in collaboration with the relevant District assembly; and

- (c) bears the markings of the identity allocated to the canoe by the Commission.

(5) The Commission may prescribe further classifications for a Ghanaian fishing vessel regarding length, tonnage, the type of fishing gear required, target species, the fishing method, power, crew size, the type of fishing or any other criteria determined by the Commission.

**Application for licence to operate Ghanaian industrial fishing vessel**

59. (1) A person who intends to operate a Ghanaian industrial fishing vessel shall apply in a prescribed form to the Commission for a licence to operate a Ghanaian industrial fishing vessel.

(2) An application under subsection (1) shall be in writing and accompanied with the prescribed fee and the following documents:

- (a) certificates of insurance of crew;
- (b) certificates of insurance for machinery and hull;
- (c) a Safety Radio Certificate;
- (d) a certificate of Ghanaian registration;
- (e) an International Oil Pollution Prevention Certificate;
- (f) a Conditional Survey Report;
- (g) a tax clearance certificate;
- (h) contracts of crew approved by the Ghana Maritime Authority;
- (i) evidence of registration with Social Security and National Insurance Trust for Ghanaian crew;
- (j) a declaration on beneficial ownership;
- (k) a complete crew list;
- (l) a report from the Monitoring, Control and Surveillance Division of the Commission;
- (m) a gear inspection report;
- (n) a sanitary inspection report;
- (o) a certificate of fumigation or disinfestation, as necessary;
- (p) a hire purchase agreement or bill of sale;
- (q) the current shareholding certificate;
- (r) a medical chest certificate;
- (s) a maritime labour certificate;

- (t) a safety construction certificate;
- (u) a loadline certificate;
- (v) catch records, where applicable;
- (w) a history of the vessel in respect of infractions;
- (x) fish exports for the previous quarter, where applicable;
- (y) a safety equipment certificate;
- (z) the amount of foreign exchange earned and evidence of the repatriation of the foreign exchange, where applicable;
- (aa) the amount of personal remittance quota for expatriates, where applicable;
- (bb) evidence of insurance of the vessel; and
- (cc) any other information that the Commission may require.

(3) An application under this section shall not be approved unless the vessel related to the application is fitted with a monitoring device prescribed by the Commission.

(4) The Executive Director shall not recommend to the Minister the grant of a licence to operate a Ghanaian industrial fishing vessel unless a pre-licensing inspection is carried out for the purpose of verifying

- (a) the specifications, gear and equipment of the vessel;
- (b) the documents of the vessel;
- (c) the markings of the vessel; and
- (d) the crew list and nationality of persons on board.

**Application for licence to operate Ghanaian semi-industrial fishing vessel**

60. (1) A person who intends to operate a Ghanaian semi-industrial fishing vessel shall apply in a prescribed form to the Commission for a licence to operate a Ghanaian semi-industrial fishing vessel.

(2) An application under subsection (1) shall be in writing and accompanied with the prescribed fee and the following documents:

- (a) certificates of insurance of crew;
- (b) certificates of insurance for machinery and hull;
- (c) a conditional survey report of vessel and the machinery of the vessel;
- (d) a tax clearance certificate, where applicable;

- (e) evidence of registration with Social Security and National Insurance Trust, where applicable;
- (f) a complete crew list;
- (g) a report from the Monitoring Compliance and Surveillance Division of the Commission;
- (h) a history of the vessel in respect of infractions;
- (i) evidence of insurance of the vessel;
- (j) a gear inspection report, where applicable;
- (k) a sanitary inspection report;
- (l) proof of ownership;
- (m) first aid kit for the crew;
- (n) a safety equipment; and
- (o) any other information that the Commission may require.

(3) The Commission may require that a vessel related to the application be fitted with a monitoring device prescribed by the Commission.

#### **Application for licence to operate foreign fishing vessel**

61. (1) A person who intends to operate a foreign fishing vessel shall apply in a prescribed form to the Minister for a licence to operate a foreign fishing vessel.

(2) An application under subsection (1) shall be in writing and accompanied with the prescribed fee and the following documents:

- (a) certificates of insurance of crew;
- (b) a certified copy of the Flag State Registration certificate;
- (c) certificates of insurance for machinery and hull;
- (d) a safety radio certificate;
- (e) an international pollution prevention certificate;
- (f) a survey certificate of vessel and the machinery of the vessel;
- (g) a tax clearance certificate of the agent;
- (h) the crew list;
- (i) a certified copy of the latest authorisation issued by the flag or coastal State;
- (j) any relevant documents showing the legal, beneficial or financial interest in or control of the vessel;
- (k) catch records, where applicable;

- (l) a history of the vessel in respect of infractions;
- (m) evidence of insurance of the vessel;
- (n) safety equipment certificate; and
- (o) any other information that the Commission may require.

(3) An application under this section shall not be approved unless the vessel related to the application is fitted with a monitoring device prescribed by the Commission.

(4) The Minister shall refer an application under subsection (1) to the Commission for a recommendation for the grant of a licence.

(5) The Executive Director shall not recommend to the Minister the grant of a licence to operate a foreign fishing vessel unless a pre-licensing inspection is carried out for the purpose of verifying

- (a) the specifications, gear and equipment of the vessel;
- (b) the documents of the vessel;
- (c) the markings of the vessel;
- (d) the crew list and nationality of persons on board;
- (e) the Flag State Registration certificate; and
- (f) the authorisation to fish granted by the Flag State.

(6) Where an operator of a foreign fishing vessel is unable to present the vessel for a pre-licensing inspection, the Commission may request the Flag State of the vessel to undertake the pre-licensing inspection for the purpose of verifying the information specified in subsection (5).

#### **Application for licence to use Ghanaian vessel in fishing-related activities**

62. (1) A person shall not use a Ghanaian vessel in fishing-related activities without a licence.

(2) A person who intends to use a Ghanaian vessel in fishing-related activities under this Act shall apply to the Commission for a licence.

(3) An application under subsection (2) shall be in writing and accompanied with the following documents:

- (a) the documents listed under sections 59 or 60 as applicable; and
- (b) the prescribed fee.

**Consideration and grant of fishing licence**

63. (1) The Commission shall establish a Fishery Licence Evaluation Committee to review an application for a fishing licence for Ghanaian fishing vessels and foreign vessels except

- (a) an inland artisanal fishing vessel; and
- (b) a marine artisanal fishing vessel.

(2) The Fishing Licence Evaluation Committee comprises one representative each of

- (a) the Ministry not below the rank of a Deputy Director nominated by the Minister;
- (b) the Registrar of Companies not below the rank of Deputy Director or the equivalence of a Deputy Director nominated by the Registrar of Companies;
- (c) the Commission not below the rank of a Deputy Director nominated by the Executive Director;
- (d) the Ghana Maritime Authority, not below the rank of a Deputy Director nominated by the Director-General of the Ghana Maritime Authority;
- (e) the fishing industry nominated by the National Fisheries Association of Ghana; and
- (f) any other organisation that the Commission may determine.

(3) The Committee shall make recommendations to the Minister through the Executive Director for the grant of the relevant fishing licence.

(4) The grant of a fishing licence is subject to

- (a) identity markings consisting of letters and numbers allocated to the vessel by the competent authority; and
- (b) the payment of fees in a currency and value determined by the Commission in consultation with the Minister.

**Refusal of application for fishing licence**

64. (1) The Minister or the Commission, where appropriate, shall refuse an application for a fishing licence under this Act, or Regulations made under this Act if the applicant

- (a) fails to submit a complete application;

- (b) submits false or misleading information;
- (c) fails to attach any document required; or
- (d) fails to pay the prescribed fee.

(2) Where an application is refused, the Commission or the Minister, where appropriate, shall, within seven working days, communicate the decision in writing to the applicant, stating the reasons for the refusal.

**Suspension, modification or cancellation of fishing licence**

65. (1) The Minister shall on the advice of the Commission, by notice in writing to a person granted a licence under section 59, 60, 61 or 62 suspend the licence where the Minister is satisfied that

- (a) information required to be given or reported under this Act or Regulations made under this Act and the applicable access agreement is false, incomplete, incorrect or misleading;
- (b) it is necessary to suspend the licence in order to give effect to a licensing programme specified in an approved fishery plan;
- (c) the owner or charterer of the vessel is the subject of proceedings under the bankruptcy laws of a jurisdiction or, on reasonable grounds, appears unable to meet the financial obligations which could arise from fishing activities and has not provided financial assurances required by the Commission;
- (d) the vessel in respect of which the licence was issued has been used in contravention of this Act or in breach of a regulation or direction made or given under this Act or a condition of the licence or, in the case of a foreign fishing vessel, in breach of an applicable access arrangement;
- (e) the fishing vessel does not bear the prescribed markings;
- (f) the gear to be used on the fishing vessel does not meet the requirement of the prescribed mesh sizes;
- (g) the fishing vessel is not covered by a valid policy of insurance which covers injury to third parties;

- (h) the owner, operator or master of the fishing vessel has failed to submit the catch returns or landing declaration or to maintain logbooks as required under this Act or Regulations made under this Act;
- (i) the applicant or operator of the vessel for which a licence is sought has a documented history of non-compliance with fisheries laws or regulations and is believed unlikely to comply with those laws or regulations if a licence is issued;
- (j) the vessel for which the licence is sought is not equipped with a working monitoring device; or
- (k) the applicant or operator of the vessel for which a licence has been granted has failed to update the required details on the beneficial owner within three months of the change.

(2) The Minister shall on the advice of the Commission, on notice, impose additional conditions or modify the terms of a licence on grounds specified by the Commission.

(3) The Minister shall on the advice of the Commission, by notice in writing to a person issued with a licence under section 59, 60, 61 or 62, or Regulations made under this Act cancel the licence where the Minister is satisfied that the vessel engaged in fishing or fishing-related activities

- (a) does not meet the safety standards required under an enactment for the purpose for the time being in force;
- (b) is manned by a crew that is not qualified under an existing enactment for the purpose;
- (c) is not seaworthy;
- (d) has engaged in Illegal, Unreported and Unregulated fishing or activities in support of Illegal, Unreported and Unregulated fishing;
- (e) is on a list of fishing vessels having engaged in Illegal, Unreported and Unregulated fishing or fishing-related activities in support of Illegal, Unreported and Unregulated fishing adopted by a regional fisheries management organisation;
- (f) has been involved in
  - (i) Illegal, Unreported and Unregulated fishing or

activities in support of Illegal, Unreported and Unregulated fishing; or

- (ii) a violation of international conservation and management measures, unless all outstanding sanctions imposed under the laws of the country or any other law in respect of the violation have been complied with; or

(g) was previously licensed by another State and that State has

- (i) suspended the licence of the fishing vessel because the fishing vessel undermined the effectiveness of international conservation and management measures and the suspension has not expired; or
- (ii) within the last three years preceding the application for a licence under this Act, withdrawn the licence because the fishing vessel undermined the effectiveness of international conservation and management measures.

(4) The Commission may, despite the imposition of a suspension or cancellation notice issued by the Minister, impose an administrative penalty for a contravention under this Act or Regulations made under this Act.

#### **Validity and renewal of fishing licence**

66. (1) A fishing licence issued under this Act is valid for a period of one year or a lesser period specified in the licence.

(2) Despite subsection (1), a fishing licence issued under a charter or an access agreement shall not extend beyond the period of validity of the applicable charter agreement or access agreement.

(3) A fishing licence shall be renewed annually or within the period determined by the Commission.

(4) A fishing licence issued or renewed is valid for the species of fish and the type of fishing gear or method of fishing or any other activity in accordance with this Act, as specified in the licence.

(5) Where a vessel licensed as a Ghanaian fishing vessel becomes a foreign fishing vessel, the licence shall automatically terminate.

*Registration and Licensing of Inland Artisanal Fishing Vessel***Prohibition of fishing in inland waters without a licence**

67. A person shall not operate a fishing vessel in freshwater including a river, a lake, a lagoon and a wetland, unless the fishing vessel is

- (a) constructed in accordance with specifications prescribed by the Commission;
- (b) registered with the Commission; and
- (c) issued with a licence for the purpose under this Act.

**Application for licence to operate inland artisanal fishing vessel**

68. (1) A person who intends to operate an inland artisanal fishing vessel shall apply to a designated office of the Commission in a prescribed form for a licence to operate an inland artisanal fishing vessel.

(2) An application under subsection (1) shall be in writing and accompanied with the prescribed fee and the following documents:

- (a) a permit for the construction of the inland artisanal fishing vessel;
- (b) basic safety equipment;
- (c) basic communication equipment, where applicable;
- (d) a valid insurance cover for the crew, where applicable; and
- (e) any other document and information that the Commission may determine.

(3) The Commission may classify an inland artisanal fishing vessel on the basis of length, tonnage, type of fishing gear required, target species, fishing method, power and crew size.

(4) The Commission shall not consider an application under this section unless the Commission inspects the inland artisanal fishing vessel related to the application for the purpose of verifying that the inland artisanal fishing vessel is constructed in accordance with Regulations made under this Act.

**Grant of licence to operate inland artisanal fishing vessel**

69. (1) The Commission shall, subject to the approval of the Minister, grant a licence to operate an inland artisanal fishing vessel where the applicant fulfils the requirements specified in section 68.

- (2) A licence to operate an inland artisanal fishing vessel shall
- (a) specify the period of validity of the licence;
  - (b) indicate the nature of the fishing activity related to the licence;
  - (c) indicate the identification markings for the inland artisanal fishing vessel as prescribed by the Commission in collaboration with the National Inland Canoe Fishers Council and the relevant District Assembly; and
  - (d) indicate the prescribed fishing gear for the inland artisanal fishing vessel.

(3) Despite subsection (1), the Commission may, by Regulations or guidelines, determine, the total number of inland artisanal fishing vessels required for the inland fishery waters.

**Validity and renewal of licence to operate inland artisanal fishing vessel**

70. (1) A licence to operate an inland artisanal fishing vessel is valid for a period of one year and is subject to renewal annually.

(2) A person who wishes to renew a licence granted under section 69 shall, not less than one month before the expiration of the licence, submit an application for renewal in a form prescribed by the Commission.

(3) The Commission may prescribe the requirements for the renewal of a licence to operate an inland artisanal fishing vessel.

(4) For the purpose of a renewal of a licence to operate an inland artisanal fishing vessel, the Commission shall conduct an inspection of the inland artisanal fishing vessel and the related use requirements.

(5) A licence to operate an inland artisanal fishing vessel is not transferable.

**Suspension, modification or cancellation of licence to operate inland artisanal fishing vessel**

71. (1) The Commission may, by notice in writing to a person granted a licence to operate an inland artisanal fishing vessel under section 69, suspend the licence where the Commission is satisfied that

- (a) information required to be given or reported under this Act is false, incomplete, incorrect or misleading;

- (b) it is necessary to suspend the licence in order to give effect to a licensing programme specified in an approved fishery plan;
- (c) the inland artisanal fishing vessel in respect of which the licence was issued has been used in contravention of this Act or in breach of a condition of the licence or a compliance notice issued;
- (d) the inland artisanal fishing vessel does not bear the prescribed markings;
- (e) the gear to be used on the inland artisanal fishing vessel does not meet the prescribed requirements; or
- (f) the inland artisanal fishing vessel is not covered by a valid policy of insurance which covers injury to third parties.

(2) The Commission may, on notice, impose an additional condition or modify the terms of a licence to operate an inland artisanal fishing vessel on the grounds specified by the Commission.

(3) The Commission may, by notice in writing to a person granted a licence to operate an inland artisanal fishing vessel under section 69, cancel the licence where the Commission is satisfied that the inland artisanal fishing vessel

- (a) does not meet the safety standards required under an enactment for the purpose for the time being in force;
- (b) is not seaworthy; or
- (c) has engaged in Illegal, Unreported and Unregulated fishing.

(4) Despite a suspension or cancellation notice issued under this Act, the Commission may impose an administrative penalty for a contravention under this Act or Regulations made under the Act.

#### *Registration and Licensing of Marine Artisanal Fishing Vessel*

#### **Prohibition of fishing in coastal waters without a licence**

72. A person shall not operate a marine artisanal fishing vessel in the coastal waters of the country unless, the marine artisanal fishing vessel is

- (a) constructed in accordance with specifications prescribed by the Commission; and

- (b) registered with the Commission; and
- (c) issued with a licence for the purpose by the Commission in collaboration with the relevant District Assembly.

**Application for licence to operate marine artisanal fishing vessel**

73. (1) A person who intends to operate a marine artisanal fishing vessel shall apply in a prescribed form to a designated office of the Commission for a licence to operate an artisanal fishing vessel.

(2) An application under subsection (1) shall be in writing and accompanied with the prescribed fee and the following documents:

- (a) a permit for the construction of the vessel;
- (b) a valid basic safety equipment;
- (c) a basic communication equipment;
- (d) an insurance cover for vessel and machinery, where applicable;
- (e) an insurance cover for the crew, where applicable; and
- (f) any other document and information that the Commission may determine.

(3) The application under subsection (1) shall indicate the number and type of marine artisanal fishing vessel as prescribed by the Commission.

(4) The Commission shall not consider an application under this section unless the marine artisanal fishing vessel related to the application is inspected by the Commission for the purpose of verifying that the marine artisanal fishing vessel is fit for purpose in accordance with Regulations made under this Act.

**Grant of licence to operate marine artisanal fishing vessel**

74. (1) The Commission shall, subject to the approval of the Minister, grant a licence to operate a marine artisanal fishing vessel where the applicant fulfils the requirements specified in section 73.

- (2) A licence to operate a marine artisanal fishing vessel shall
- (a) specify the period of validity of the licence;
  - (b) indicate the nature of fishing activity related to the licence;

- (c) indicate the identification markings for the marine artisanal fishing vessel related to the licence as prescribed by the Commission in collaboration with the relevant District Assembly; and
- (d) indicate the identification of fishing gear for the marine artisanal fishing vessel related to the licence.

**Validity and renewal of licence to operate marine artisanal fishing vessel**

75. (1) A licence to operate a marine artisanal fishing vessel is valid for a period of one year and is subject to renewal annually.

(2) A person who wishes to renew a licence granted under section 74 shall, not less than one month before the expiration of the licence, submit an application for renewal to the Commission in a form prescribed by the Commission.

(3) The Commission may prescribe the requirements for renewal of a licence to operate a marine artisanal fishing vessel.

(4) For the purpose of a renewal of a licence to operate a marine artisanal fishing vessel, the Commission shall conduct an inspection of the marine artisanal fishing vessel and related use requirements.

(5) A licence to operate a marine artisanal fishing vessel is not transferable.

**Suspension, modification or cancellation of licence to operate marine artisanal fishing vessel**

76. (1) The Commission may, by notice in writing to a person granted a licence to operate a marine artisanal fishing vessel under section 74, suspend the licence where the Commission is satisfied that

- (a) information required to be given or reported under this Act is false, incomplete, incorrect or misleading;
- (b) it is necessary to suspend the licence in order to give effect to a licensing programme specified in an approved fishery plan;

- (c) the marine artisanal fishing vessel in respect of which the licence was issued has been used in contravention of this Act or in breach of a condition of the licence or a compliance notice issued;
- (d) the marine artisanal fishing vessel does not bear the prescribed markings;
- (e) the gear to be used on the marine artisanal fishing vessel does not meet the prescribed requirements; or
- (f) the marine artisanal fishing vessel is not covered by a valid policy of insurance which covers injury to third parties.

(2) The Commission may, on notice, impose additional conditions or modify the terms of a licence to operate a marine artisanal fishing vessel on the grounds specified by the Commission.

(3) The Commission may, by notice in writing to a person granted a licence to operate a marine artisanal fishing vessel under section 74, cancel the licence where the Commission is satisfied that the marine artisanal fishing vessel

- (a) does not meet the safety standards required under an enactment for the purpose for the time being in force;
- (b) is not seaworthy; or
- (c) has engaged in Illegal, Unreported and Unregulated fishing or activities in support of Illegal, Unreported and Unregulated fishing.

(4) Despite a suspension or cancellation notice issued under this Act, the Commission may impose an administrative penalty for a contravention under this Act or Regulations made under this Act.

*Record of Licences and Employment of Citizens*

**Register of licences**

77. (1) The Commission shall maintain a register of licences issued under this Act and Regulations made under this Act.

(2) The register of licences under subsection (1) shall contain the following:

- (a) information on the vessel, person or project licensed;

- (b) information on the nature of the activity licensed;
- (c) the period of validity of each licence; and
- (d) any additional information relating to the licences determined by the Commission.

(3) The Commission shall, subject to the Data Protection Act, 2012 (Act 843), publish the register of licences on the website of the Commission.

#### **Employment of citizens**

78. (1) A person issued with a licence to operate an industrial vessel under this Act shall employ a master, officers and crew of which not less than seventy-five per cent are citizens.

(2) Subject to section 167, the Commission shall collaborate with the Ghana Maritime Authority and any other relevant organisation to develop guidelines and minimum working conditions for fishers related to licences issued under this Act.

(3) A person who contravenes subsection (1) is liable to pay an administrative penalty of not more than the Cedi equivalent of one thousand United States Dollars and five per cent of the penalty for every day that the contravention is not remedied.

#### *Aquaculture Measures*

#### **Aquaculture development plan**

79. (1) The Commission shall, in consultation with relevant organisations, prepare an aquaculture development plan for the management of the aquaculture sector.

- (2) An aquaculture development plan under subsection (1) shall
- (a) be based on the best scientific information available;
  - (b) ensure the sustainable utilisation of the aquaculture resources;
  - (c) ensure the genetic integrity of indigenous species;
  - (d) ensure the rational use of resources shared by aquaculture and other activities; and
  - (e) be consistent with good management principles and relevant fishery conventions and international agreements.

(3) An aquaculture development plan under subsection (1) may relate to

- (a) a designated aquaculture area;
- (b) a specific water body including freshwater, brackish and marine waters; or
- (c) a specified species of fish.

(4) The Commission shall submit the aquaculture development plan prepared under subsection (1) to the Minister for approval by Cabinet.

(5) The Minister shall publish in the *Gazette* and a newspaper of nationwide circulation the effective date of implementation of the aquaculture development plan approved under subsection (4).

(6) The Minister may, acting on the advice of the Board by legislative instrument, make Regulations for

- (a) the content of an aquaculture development plan; and
- (b) the procedure for consultation and approval of an aquaculture development plan.

#### **Designation of aquaculture development zone**

**80.** (1) The Minister may, on the recommendation of the Commission, after consultation with relevant stakeholders, designate a zone of land or water body as an aquaculture development zone to

- (a) attract, promote or enhance the development of aquaculture establishments in areas which are particularly suitable for aquaculture;
- (b) manage and control aquaculture in an area which is designated as an aquaculture zone;
- (c) encourage the transfer of technology and the development of responsible aquaculture practices;
- (d) generate or increase employment in aquaculture;
- (e) protect aquaculture developments;
- (f) ensure responsible planning of aquaculture; and
- (g) conserve aquaculture resources.

(2) The Minister shall, in designating an area as an aquaculture development zone under subsection (1),

- (a) have regard to the scientific, social, economic, environmental impact and other relevant considerations; and

(b) determine the location and physical boundaries of the aquaculture development zone.

(3) The Minister shall

(a) by notice in the *Gazette*, publish an area designated as an aquaculture development zone under subsection (1); and

(b) in order to protect the aquaculture activities undertaken in an aquaculture development zone, specify in the *Gazette* Notice restrictions and conditions on the conduct of activities in and uses of,

(i) the aquaculture development zone;

(ii) the waters draining into an aquaculture development zone; and

(iii) any land or water area adjacent to an aquaculture development zone.

(4) The Minister may, by notice in the *Gazette*,

(a) alter the boundaries of an area designated as an aquaculture development zone; or

(b) abolish an aquaculture development zone.

(5) A person who engages in aquaculture in an area designated as an aquaculture development zone contrary to this section commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than twenty thousand penalty units or to a term of imprisonment of not less than one year and not more than two years, or to both.

(6) Despite subsection (1), an area of land or a water body designated as an aquaculture development zone before the coming into force of this Act shall be considered to have been designated under subsection (1).

#### **Conduct of aquaculture in aquaculture development zone**

81. The Minister may, by notice in the *Gazette*, specify restrictions and conditions on the conduct of aquaculture in an aquaculture development zone, or part of the aquaculture development zone as the Minister considers necessary, including

(a) the aquatic species which may be farmed in the aquaculture development zone;

- (b) the conditions under which aquaculture and any other related activities may be conducted;
- (c) the number and size of the aquaculture establishments that may be established within an aquaculture development zone; and
- (d) the carrying capacity of the aquaculture development zone concerned.

**Requirement for registration of aquaculture holding facility**

82. (1) A person shall not operate a holding facility for subsistence aquaculture unless that person is registered by the Commission.

(2) A person who contravenes subsection (1), is liable to pay to the Commission an administrative penalty of not more than two thousand penalty units.

**Requirement for registration and licensing of commercial aquaculture establishment**

83. (1) A person shall not install or operate a commercial aquaculture establishment unless that person

- (a) is registered by the Commission;
- (b) holds a valid licence issued by the Commission in respect of that commercial aquaculture establishment; and
- (c) has a valid insurance for the aquaculture establishment.

(2) Despite subsection (1), the Minister may, by legislative instrument, make Regulations to exempt a class of aquaculture establishment from the licensing requirement under section 84.

(3) A person who contravenes subsection (1), commits an offence and is liable on summary conviction to a fine of not less than three thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than two years and not more than three years or to both.

**Qualification to install or operate an aquaculture establishment**

84. (1) A person qualifies to install or operate an aquaculture establishment if that person

- (a) has an environmental permit issued by the Environmental Protection Authority in compliance with the Environmental

Protection (Environmental Assessment) Regulations, 2025 (L.I 2504);

- (b) has a permit for water usage issued by the Water Resources Commission in accordance with the Water Resources Commission Act, 1996 (Act 522);
- (c) has basic training to manage and supervise an aquaculture establishment in accordance with this Act or Regulations made under this Act;
- (d) has a biosecurity plan or measures to reduce the introduction or spread of disease-causing aquatic organisms in accordance with guidelines issued by the Commission; and
- (e) satisfies any other requirements determined by the Commission.

(2) For the purpose of subsection (1), the Commission may collaborate with any other relevant agencies to

- (a) licence aquaculture establishments; and
- (b) conduct refresher training programmes for aquaculture farm managers.

#### **Application for an aquaculture licence**

85. (1) A person who qualifies under section 84 may apply to the Commission in the prescribed manner for an aquaculture licence.

(2) An application under subsection (1) shall

- (a) be accompanied with a description of the aquatic organism to be farmed;
- (b) provide sufficient details including a permit for the introduction of the aquatic organism, where the aquatic organism is exotic;
- (c) provide a full disclosure of the level of foreign investment proposed for the category of aquaculture establishment, where applicable; and
- (d) be accompanied with the prescribed fee.

(3) The Commission shall, on receipt of an application under subsection (1), have regard to

- (a) the technical and financial ability of the applicant to

exercise the rights sought in the application in a satisfactory manner;

- (b) the species of aquatic organisms that the applicant proposes to farm and the method of aquaculture that the applicant proposes to employ; and
- (c) any other matter applicable to the licence that, in the opinion of the Commission, is relevant.

**Introduction and transfer of aquatic organisms**

86. (1) A person shall not, without the written permission of the Commission,

- (a) introduce or cause to be introduced into Ghana or any Ghanaian waters any species of aquatic organism or a genetically modified aquatic organism; or
- (b) transfer any species of aquatic organisms from one aquaculture establishment in Ghana to another or from any location in Ghana to another.

(2) A permission granted by the Commission under subsection (1) may be subject to conditions determined by the Commission.

(3) The Commission shall not grant a permission under subsection (1), unless the impact of an introduction or transfer of an aquatic species or a genetically modified aquatic organism has been assessed, if so required, in accordance with the relevant laws, plans and policies on environmental assessments of the introduction or transfer of the aquatic species or the genetically modified aquatic organism.

**Monitoring and inspection of aquaculture establishment**

87. (1) An authorised officer appointed or designated under this Act may enter an aquaculture establishment for the purpose of conducting pre-licensing inspections or monitoring to ensure compliance with the provisions of this Act and Regulations made under this Act.

- (2) A person who engages in aquaculture and related activities shall
  - (a) grant the Commission access to areas, installations and equipment associated with the activities for the purpose of inspection or as determined by the Commission;
  - (b) provide the necessary access to the premises, materials, organisms and assistance for conduct of the inspection and monitoring, and

- (c) provide assistance for the performance of functions under this Act or Regulations made under the Act.

(3) A person who contravenes subsection (2) is liable to pay to the Commission an administrative penalty of not more than ten thousand penalty units.

#### **Report of disease or harmful organism**

88. (1) A person issued with a licence to engage in aquaculture shall immediately report to the Commission or an authorised person the presence of a disease or a harmful organism in an aquaculture establishment.

(2) The Commission may, on the advice of the Veterinary Services Department and any other relevant agency, where there is considered to be a significant risk to an aquatic organism or to the environment,

- (a) order the isolation, quarantine or treatment of the aquatic organism infected or thought to be infected with the disease or harmful organism;
- (b) destroy or restrict the movement of the aquatic organisms infected or thought to be infected with the disease or harmful organism; or
- (c) quarantine an aquaculture establishment where the Commission reasonably suspects a disease or harmful organism is present.

(3) A licensee or any other person engaged in aquaculture shall take all possible measures to prevent the spread of a disease or a harmful organism in or from an aquaculture establishment, including

- (a) the destruction of the aquatic organisms or aquaculture products; and
- (b) the disinfection of the aquaculture establishment.

(4) A licensee or any other person specified under subsection (1) shall immediately comply with any measures that the Commission may direct.

#### **Water monitoring system**

89. (1) For the purpose of providing timely information to licensees of the occurrence or imminent occurrence of pollution or a natural

phenomenon which may have a harmful or detrimental effect on the aquatic environment or an aquaculture product, the Commission shall cause an operator of an aquaculture establishment to establish and maintain a water quality monitoring system prescribed by the Commission.

(2) Where an area of Ghanaian waters in which aquaculture is conducted is affected by pollution or a natural phenomenon, the Commission may request the Water Resources Commission or any competent authority to test the water of the affected area and the aquaculture products farmed in or within the affected area to determine,

- (a) whether aquaculture activities can be undertaken and continued; and
- (b) in consultation with the Foods and Drugs Authority, whether the aquaculture products farmed the affected area are fit for human consumption.

(3) The Commission shall, in consultation with the Food and Drugs Authority, prevent the sale or marketing of aquaculture products that are unfit for human consumption.

(4) Where the results of the test conducted under subsection (2) demonstrate that the

- (a) water quality is unsuitable for the continuation of the aquaculture activity, or
- (b) the aquaculture products farmed are not fit for human consumption,

the Commission shall by notice, in writing, direct the closure of the aquaculture establishment and prohibit the sale or marketing of aquaculture products farmed in the affected water.

(5) Where the results of the tests conducted under subsection (2) demonstrate that the water quality of an area closed under subsection (3) is suitable for aquaculture or that aquaculture products farmed are fit for human consumption, the Commission may,

- (a) by notice, in writing, direct the reopening of a closed area; and
- (b) in consultation with the Foods and Drugs Authority, allow the sale or marketing of aquaculture products farmed in the affected water.

**Import and export of live aquatic organism**

90. (1) A person shall not, without the approval of the Commission,

- (a) import a live aquatic organism or an exotic fish species, including fertilised or unfertilised eggs and gametes, for the purposes of aquaculture; or

- (b) export a live fish or an exotic fish species, including authorised species of ornamental fish or the gametes of the ornamental fish, for whatever purpose.

(2) The Commission

- (a) may seize, hold, quarantine, disinfect or destroy a live aquatic organism or an exotic fish species that has been imported or that is destined for import or export for the purposes of aquaculture, and

- (b) shall take measures where the Commission determines that the live aquatic organism or the exotic fish species is diseased or highly invasive.

(3) A person who contravenes subsection (1) is liable to pay to the Commission an administrative penalty of not more than ten thousand penalty units.

**Fish breeding and seed production**

91. (1) A person shall not, without the approval of the Commission, engage in

- (a) the breeding of fish;

- (b) the production of fish seed; or

- (c) the sale or distribution of fish seed.

(2) For the purpose of avoiding transmission of diseases and parasites or pathogens in a hatchery that deals with the production of fish seed, a person shall not take fish seed from the hatchery without the authorisation of the Commission.

(3) A person who contravenes subsection (1) or (2) is liable to pay to the Commission an administrative penalty of not more than ten thousand penalty units.

**Aquaculture waste**

92. (1) A person who is licensed to operate a commercial aquaculture activity or registered to operate a holding facility for subsistence

aquaculture shall ensure that aquaculture waste generated by the activity of the commercial aquaculture or holding facility

- (a) does not cause an unsightly or offensive condition in the licence area, and
- (b) is secured or treated in a manner designed to prevent the aquaculture waste from being blown, washed or swept off the licence area.

(2) Where a person fails or apparently fails to comply with the provisions of subsection (1), the Executive Director shall, in consultation with the Environmental Protection Agency and other relevant agencies, issue a Compliance Notice as specified in section 114 to the person to comply with the provisions of subsection (1).

(3) A person who contravenes subsection (1) or (2) is liable to pay to the Commission an administrative penalty of not more than

- (a) five thousand penalty units, in the case of a holding facility for subsistence aquaculture; and
- (b) ten thousand penalty units, in the case of a commercial aquaculture activity.

and shall, in addition, be responsible for compensation for the costs of restoring the license area.

#### **Escape into the wild**

93. (1) A person who is licensed to operate a commercial aquaculture activity under this Act shall take appropriate measures to prevent or minimise the risk of the escape of aquaculture stock into the wild.

(2) Where there has been an escape of hatchery-reared aquaculture stock or damage to a farming structure, equipment or facility that may lead to the escape of hatchery-reared aquaculture stock, the operator of the relevant aquaculture establishment shall take immediate measures to minimise the damage and to repair any damage caused to the extent possible.

(3) A person who is issued with a licence under this Act for commercial aquaculture or authorised to operate commercial aquaculture shall,

- (a) within twelve hours, after the person becomes aware of the escape of hatchery-reared aquaculture stock or damage to

a farming structure in relation to a facility over which the person exercises management or control or to other equipment that may lead to the escape of hatchery reared aquaculture stock, give notice in writing to the Commission of the escape or damage; and

- (b) within seven working days, after the person becomes aware of the escape of hatchery-reared aquaculture stock or damage to a farming structure in relation to a facility over which the person exercises management or control or to other equipment that may lead to the escape of hatchery-reared aquaculture stock, give notice in writing to the Executive Director of the action taken to deal with the escape.

(4) A notice under paragraph (a) of subsection (3) shall include the following:

- (a) the species of fish affected;
- (b) the date or an estimate of the date on which the escape or damage took place;
- (c) the number and biomass, or an estimate of the number and biomass, of fish that have escaped;
- (d) the age or developmental stage of the fish at the time of the escape of the fish; and
- (d) the details of the circumstances in which the escape or damage took place.

(5) A person who contravenes subsection (1), (2) or (3) is liable to pay to the Commission an administrative penalty of not more than five thousand penalty units.

#### **Transboundary aquaculture ecosystems**

94. Subject to applicable regional and international law, the Commission shall collaborate with other riparian States to ensure that governments and aquaculture farmers are obliged to protect transboundary aquatic ecosystems from:

- (a) escape of aquaculture species into shared water bodies;

- (b) waste from aquaculture activities;
- (c) diseases that are likely to become or have reached epidemic proportions; and
- (d) effluents that might affect transboundary aquatic ecosystems.

**Aquaculture record-keeping**

95. (1) A person or an establishment involved in aquaculture production shall keep records and regularly compile fish farm data in a form prescribed by the Commission.

(2) A person or the management of the establishment under subsection (1) shall submit the compiled fish data as part of a quarterly report, including information on clients engaged in fish seed production as determined by the Commission.

(3) The Commission may revoke the licence issued to an establishment where the management of the establishment fails to keep or provide records on aquaculture production to the Commission.

**Penalty for failure to comply with aquaculture requirements**

96. A person in charge of or engaged in aquaculture that fails to take reasonable steps to ensure compliance with provisions of this Act and Regulations made under the Act, in respect of an aquaculture activity; is liable to pay to the Commission an administrative penalty of not more than twenty thousand penalty units and in addition, the Commission may suspend or cancel the permit.

*Post-Harvest Management and Trade Activities*

**Registration of fish processing and storage establishment**

97. (1) A person shall not operate a micro fish processing or storage establishment unless that person

- (a) is registered by the Commission;
- (b) has complied with this Act, Regulations made under this Act and any other relevant enactment; and
- (c) has complied with any other conditions prescribed by the Commission.

(2) An application for the registration of a micro fish processing or storage establishment shall be made to the Commission

(a) in the prescribed manner, and

(b) accompanied with evidence of payment of the prescribed fee.

(3) Despite subsection (1), the Commission shall, in collaboration with the Food and Drugs Authority and other relevant agencies, certify a micro fish processing or storage establishment if the Commission is satisfied that the establishment complies with the standards and regulations prescribed by the relevant agencies.

(4) A person who contravenes subsection (1) commits an offence and is liable on summary conviction,

(a) in the case of a first offence, to a fine of not less than one hundred penalty units and not more than one thousand penalty units; and

(b) in the case of a subsequent offence, to a fine of not less than two hundred penalty units and not more than five thousand penalty units and the suspension of the certificate.

#### **Collaboration on post-harvest activities**

98. Subject to section 17, the Commission shall collaborate with the Food and Drugs Authority, the Ghana Standards Authority and other relevant agencies for the regulation of the import, export, handling, sale, transport, storage, treatment, or processing of fish to

(a) ensure the distribution and marketing of hygienic and safe fish, fishery products or aquaculture products; and

(b) minimise or prevent the risks to human health.

#### **Prohibition of engaging in importation of fish, fishery product and aquaculture product without permit**

99. (1) A person shall not import fish, a fishery product or an aquaculture product for sale unless the person is issued with a permit by the Commission.

(2) A person who contravenes subsection (1)

(a) is liable to pay to the Commission an administrative penalty of not more than ten thousand penalty units; and

- (b) shall forfeit the imported fish, fishery product or aquaculture product to the Commission.

**Qualification for permit to import fish, fishery product and aquaculture product**

100. (1) A person qualifies to carry on the business of importing fish, a fishery product or an aquaculture product if that person

- (a) is incorporated under the Companies Act, 2019 (Act 992);
- (b) is registered with the Commission and issued with a registration certificate; and
- (c) has paid the prescribed fee.

(2) A registration certificate issued under paragraph (b) of subsection (1) is valid for one year and renewable annually.

**Application for permit to import fish, fishery product and aquaculture product**

101. (1) A person who is qualified under section 100 may apply to the Commission for a permit to import fish, a fishery product or an aquaculture product.

(2) An application under subsection (1) shall be accompanied with the following:

- (a) proof of payment of import levy;
- (b) a bill of lading;
- (c) a commercial invoice;
- (d) an aquatic health certificate issued by the competent Authority; and
- (e) any other document determined by the Commission.

**Issue of permit to import fish, fishery product and aquaculture product**

102. (1) Where the applicant satisfies the requirements under section 101, the Commission shall issue the applicant with a permit to import fish, a fishery product or an aquaculture product.

(2) The Commission shall specify in a permit issued under subsection (1)

- (a) the species of fish, fishery products or aquaculture products to be imported; and

- (b) the quantities of fish, fishery products or aquaculture products to be imported.

**Conditions for the import of fish, fishery product and aquaculture product**

103. (1) A person who is issued with a permit under section 102 to import fish, a fishery product or an aquaculture product into the country shall ensure that the fish, fishery product or aquaculture product delivered into the country is in the condition specified by the permit.

(2) For the purpose of subsection (1), the Commission shall collaborate with other agencies to inspect the fish, fishery product or aquaculture product and associated documentation to ensure compliance with this Act and Regulations made under this Act.

**Prohibition of engaging in export of fish, fishery product and aquaculture product without permit**

104. (1) A person shall not export fish, fishery product and an aquaculture product unless the person is issued with a permit by the Commission.

(2) A person who contravenes subsection (1) is liable to pay to the Commission an administrative penalty of not more than ten thousand penalty units.

**Qualification for permit to export fish, fishery product and aquaculture product**

105. (1) A person qualifies to carry on the business of export of fish, fishery product or aquaculture products if that person

- (a) is incorporated under the Companies Act, 2019 (Act 992);
- (b) is registered with the Commission and issued with a registration certificate; and
- (c) has paid the prescribed fee.

(2) A registration certificate issued under paragraph (b) of subsection (1) is valid for one year and renewable annually.

**Application for permit to export fish, fishery product and aquaculture product**

106. (1) A person who qualifies under section 105 may apply to the Commission for a permit to export fish, a fishery product or an aquaculture product.

(2) An application under subsection (1) shall be accompanied with the following:

- (a) proof of payment of export levy;
- (b) a Catch Certificate, where applicable;
- (c) an Export Form; and
- (d) any other document determined by the Commission.

**Issue of permit to export fish, fishery product and aquaculture product**

107. (1) Where the applicant satisfies the requirements under section 106, the Commission shall issue the applicant with a permit to export fish, a fishery product and an aquaculture product.

(2) The Commission shall specify in a permit issued under subsection (1),

- (a) the species of fish, fishery products or aquaculture products to be exported; and
- (b) the quantities of fish, fishery products or aquaculture products to be exported.

**Conditions for export of fish, fishery product and aquaculture product**

108. (1) A person who is issued with a permit under section 107 to export fish, a fishery product or an aquaculture product from the country shall ensure that the fish, fishery product or aquaculture product

- (a) is labelled in accordance with the traceability requirements provided under this Act or Regulations made under this Act; and
- (b) is delivered in the condition as specified by the permit.

(2) For the purpose of this section, the Commission shall collaborate with other agencies to inspect the fish, fishery product or aquaculture product and associated documentation to ensure compliance with this Act and Regulations made under this Act.

**Validity of permit**

109. A permit issued under section 102 or 107 is for a single transaction and valid for three months.

**Marketing of fish, fishery product and aquaculture product**

110. (1) A person who intends to sell fish, a fishery product or an aquaculture product for human consumption shall ensure that the fish, fishery product or aquaculture product

- (a) is wholesome and fit for human consumption; and
- (b) meets the required inspection standards of the Commission and any other relevant agency.

(2) A person who displays fish, a fishery product or an aquaculture product for marketing or marketed from a fishing vessel or an aquaculture establishment shall ensure that the fish, fishery product or aquaculture product is

- (a) packaged with a food grade material, and
- (b) labelled in accordance with specifications prescribed by the Commission in consultation with other relevant bodies.

(3) A person shall not remove, alter, interfere or manipulate a trade description, a seal, a stamp, a label or any other mark applied to

- (a) fish or a container of fish, fishery products or aquaculture products;
- (b) a container system unit which contains fish that has been inspected by an authorised officer, unless with the written permission of the Executive Director; or
- (c) the grade or size and species of fish or net weight in a system unit which contains fish.

(4) A person who contravenes subsection (1), (2) or (3) commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than three thousand penalty units or to a term of imprisonment of not less than two years and not more than four years, or to both.

**Control and traceability of fish, fishery product and aquaculture product**

111. (1) The Commission shall, in collaboration with the Food and Drugs Authority, the Ghana Standards Authority and any other relevant

agency, issue guidelines on the specifications and labelling for the traceability of fish, a fishery product or an aquaculture product.

(2) A person shall not import or export fish, a fishery product or an aquaculture product or related product unless the fish, fishery product or aquaculture product is adequately labelled or identified in accordance with traceability guidelines issued by the Commission.

(3) The Commission may conduct a traceability inspection at a fish processing plant in accordance with traceability guidelines issued by the Commission.

(4) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to pay a fine of not less than two thousand penalty units and not more than five thousand penalty units or to a term of imprisonment of not less than one year and not more than two years, or to both.

(5) Despite subsection (2), fish, a fishery product or an aquaculture product caught from a licence issued under an artisanal fishing licence and small-scale aquaculture are exempted.

#### **Information and records**

112. (1) A person registered to operate a fish processing establishment shall provide information and keep records that may be prescribed or are required by the Commission or an authorised officer.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to pay a fine not less than two hundred penalty units and not more than three thousand penalty units or to a term of imprisonment of not less than one year and not more than two years, or to both.

#### *Monitoring, Control, Surveillance, Compliance and Enforcement Measures*

#### **Monitoring, control and surveillance**

113. The Monitoring, Control and Surveillance Division established under paragraph (e) of subsection (2) of section 18 shall monitor, control and conduct surveillance of all fishing and aquaculture operations

within the fishery waters by whatever appropriate means including the management and running of a fisheries monitoring center using vessel monitoring system or electronic monitoring system for data transmission relating to fisheries and aquaculture activities within the fishery waters.

#### **Compliance Notice**

114. (1) Where it appears to the Commission that a fishery or aquaculture-related activity constitutes a threat to human life, aquatic life or biodiversity, the Commission may serve on a person responsible, a Compliance Notice that requires the person to comply with applicable conservation and management measures, directives or guidelines to prevent or reduce the threat to fisheries and aquaculture resources.

(2) A Compliance Notice issued under subsection (1) shall specify

- (a) the nature of the offending activity or undertaking;
- (b) the threat to human life, aquatic life, biodiversity or fisheries resources;
- (c) the steps required to be taken; and
- (d) the time within which the steps are required to be taken.

(3) Where the person fails to comply with the Compliance Notice, the Commission shall issue a notice in writing to the responsible public authorising agency to

- (a) direct the immediate cessation of the offending activity or undertaking, or
- (b) revoke or cancel the licence, certificate, permit or approval that empowers the person to carry out the activity or undertaking.

(4) Where the Commission or an agent of the Commission reasonably incurs an expense in the process of the prevention of the activity or undertaking in contravention of this Act or Regulations made under this Act, the Commission shall surcharge the amount expended to the person responsible for the activity or undertaking.

(5) A person who fails to comply with a Compliance Notice issued under subsection (1) is liable to pay to the Commission an administrative penalty of not less than one hundred thousand penalty units and not more than two hundred thousand penalty units.

**Enforcement of directives of the Commission**

115. Where the Commission, before or after an investigation, gives a directive that requires a person to

- (a) carry out an activity,
- (b) refrain from carrying out an activity, or
- (c) undertake an activity,

within a specified period and the person fails to comply with the directive of the Commission within the specified period, the Commission may apply to a court for enforcement of the directive.

**Authorised officer**

116. (1) The Commission may designate an employee appointed under section 25 as an authorised officer for the purpose of enforcing this Act and Regulations made under this Act.

(2) Despite subsection (1), the Minister may, in consultation with relevant agencies designate or appoint as an authorised officer, personnel from,

- (a) the Ghana Navy;
- (b) the Ghana Air Force;
- (c) the Police Service;
- (d) the Water Resources Commission; and
- (e) any other relevant organisation.

**Functions of an authorised officer**

117. (1) An authorised officer appointed or designated under this Act may, for the performance of a function under this Act and Regulations made under this Act, at any reasonable time, enter any premises connected to the fisheries and aquaculture sector to

- (a) inspect a vessel, a vehicle, an aircraft, premises, a facility, an establishment, a device or a gear related to fisheries or aquaculture development, management or promotion;
- (b) carry out a function imposed on the authorised person under this Act; or
- (c) ensure that the provisions of this Act and Regulations made under this Act are complied with.

- (2) An authorised officer, shall, in order to ensure compliance with
- (a) fisheries and aquaculture standards, policies, rules or regulations,
  - (b) this Act or Regulations made under this Act, or
  - (c) any other enactment,

produce evidence of the authority of the authorised officer to a person who requests for the evidence.

(3) An authorised officer who enters premises connected to the fisheries and aquaculture sector under subsection (1), may

- (a) examine whether a standard, a procedure, a policy, a rule or a regulation that is reasonably required for the fisheries or aquaculture activity is being complied with;
- (b) examine the books, documents or any other records including electronic records found in the place or on the vessel which the authorised officer believes contains information relevant to the enforcement of this Act and make copies of or take extracts for the book, documents or other records; and
- (c) seize and detain for the period that the authorised officer considers necessary, the vessel, vehicle, aircraft, equipment or gear by means of or in relation to which it is believed that a fisheries or aquaculture standard, method, procedure, rule, regulation or a provision of this Act or any other enactment has been contravened.

(4) Despite subsections (1), (2) and (3) and section 118, the Commission shall develop operating procedures for authorised officers under this Act.

#### **Powers of an authorised officer**

**118.** (1) For the purpose of enforcing this Act or Regulations made under this Act, an authorised officer has the same powers of arrest as a police officer.

(2) Without limiting the scope of subsection (1), an authorised officer may

- (a) stop, board, remain on board and search a vessel in the fishery waters which the authorised officer reasonably believes is a fishing vessel;

- (b) stop, board, remain on board and search a vessel registered in the Republic found outside the fishery waters;
- (c) stop and search a vessel, a vehicle or an aircraft that the authorised officer reasonably believes may be transporting fish or engaged in any other activities related to fishing;
- (d) require the master or a crew member or any other person aboard a vessel to inform the authorised officer of
  - (i) the name, call sign and country of registration of the vessel, and
  - (ii) the name of the master, the owner, the charterer or any other crew member of the vessel;
- (e) interview the master, a crew member or any other person aboard a vessel about the cargo, contents of holds and storage spaces, voyage and activities of the vessel;
- (f) make any examination or inquiry that appears necessary to the authorised officer concerning a vessel, a vehicle or an aircraft in relation to which any of the powers conferred by this subsection have been or may be exercised and take samples of a fish or a fishery product found in the vessel, the vehicle or the aircraft;
- (g) require to be produced and examined and take copies of a licence, logbook record or any other document required under this Act or concerning the operation of the vessel, the vehicle or the aircraft;
- (h) make an entry dated and signed by the authorised officer in the logbook of the vessel or the aircraft;
- (i) require to be produced and examined a fish, fishery products, a fishing gear, an appliance, an explosive, a poison or any other noxious substance;
- (j) examine and test, where relevant, a satellite tracking device or transponder required to be installed in the vessel by this Act or the Regulations under this Act;
- (k) examine and make copies of relevant records from a book, document, note or file including an electronic file which the authorised officer believes contains information relevant

to determine whether a person has complied with the provisions of this Act or Regulations made under this Act;

- (l) give to the master and a crew member of the vessel, vehicle or aircraft, stopped, boarded or searched the directions
  - (i) that are necessary or reasonably expedient for any purpose specified in this Act; or
  - (ii) to ensure compliance by the vessel, vehicle or aircraft, or master or a crew member of the conditions of a licence or authorisation;
- (m) examine and endorse a licence or an authorisation; or
- (n) arrest a person who assaults the authorised officer in the performance of a function under this Act.

(3) Where an authorised officer has reasonable grounds to believe that an offence under this Act or Regulations made under this Act is being or has been committed, the authorised officer may, without a warrant

- (a) enter, inspect and search the premises, other than premises used exclusively as a dwelling-house, in which the authorised officer has reasonable grounds to believe
  - (i) an offence has been or is being committed; or
  - (ii) fish taken illegally is being stored;
- (b) stop, enter and search and stay in or on a vessel, a vehicle or an aircraft which the authorised officer reasonably suspects of transporting fish or fishery products;
- (c) within the fishery waters, follow in hot pursuit in accordance with international law and stop, board and search outside the fishery waters a foreign vessel which the authorised officer has reasonable grounds to believe has been used in the commission of the offence and bring the vessel and persons on board within the fishery waters;
- (d) take samples of fish found in a vessel, a vehicle or an aircraft inspected or any premises searched under this Act;
- (e) seize
  - (i) a vessel, including the fishing gear, equipment, stores and cargo of the vessel, a vehicle, nets or any other fishing appliances or aircraft which the authorised

- officer has reasonable grounds to believe has been used or is being used in the commission of an offence;
  - (ii) fish or fishery products which the authorised officer has reasonable grounds to believe have been caught in the commission of an offence, or fish or fishery products which is possessed in contravention of this Act;
  - (iii) an electric shock device, an explosive, poison or any other noxious substance which the authorised officer has reason to believe has been used or is possessed in contravention of this Act;
  - (iv) fish that does not meet health standards specified under this Act or any other enactment;
  - (v) logs, charts or any other document required to be maintained by this Act, under the terms of a licence or any other authorisation which the authorised officer has reasonable grounds to believe show or tend to show, with or without other evidence, the commission of an offence under this Act; or
  - (vi) anything which the authorised officer has reasonable grounds to believe might be used as evidence in proceedings under this Act, or
- (f) arrest a person whom the authorised officer has reasonable grounds to believe has committed an offence under this Act.

(4) An authorised officer may, in the arrest of a person or seizure of a fishing vessel which the authorised officer has reasonable grounds to believe has acted in contravention of this Act, use the force that is reasonably necessary in the circumstances to effect the arrest.

(5) An authorised officer shall

- (a) give a written receipt to the master, charterer, owner or a person in charge of the vessel, aircraft or premises for an article or an item seized under this section, and
- (b) state the grounds for the seizure in the receipt.

(6) A person arrested without a warrant under this section shall be taken to a police station immediately and dealt with in accordance with law.

(7) An authorised officer may, with or without a warrant or any other process, execute a warrant or any other process issued by a Court.

#### **Powers of an authorised officer beyond limits of fishery waters**

119. Where, following in hot pursuit in accordance with this Act, a fishing vessel is pursued beyond the limits of the fishery waters, the powers conferred on an authorised officer by this Act shall be exercisable beyond the limits of the fishery waters in accordance with international law.

#### **Investigation and enforcement of directives**

120. (1) The Commission may, on the own volition of the Commission or on the receipt of a complaint or report from an authorised officer, conduct an investigation into violations of procedure, standards, or guidelines related to fisheries resources and the aquaculture industry.

(2) For the purpose of subsection (1), the Commission may collaborate with other relevant agencies.

#### **Observer on board a fishing vessel**

121. (1) The Commission shall, in writing, appoint a person with the requisite qualifications to act as an observer in respect of a vessel issued with a fishing licence or an authorisation under this Act.

- (2) A person appointed as an observer under subsection (1) shall
- (a) collect catch data and effort data;
  - (b) take reasonable samples of fish for scientific purposes in accordance with guidelines issued by the Commission;
  - (c) report contraventions of this Act and the Regulations made under this Act; and
  - (d) perform any other function determined by the Commission.

(3) In the performance of functions under this Act, an observer shall, on request, produce the identification of the observer.

#### **Establishment of Fisheries Enforcement Unit**

122. (1) There is established by this Act, a Fisheries Enforcement Unit.

- (2) The Fisheries Enforcement Unit shall include personnel from
- (a) the Ghana Navy and the Ghana Airforce, as the Minister, shall, in consultation with the Minister for Defence, determine;

- (b) the Commission;
  - (c) the Police Service;
  - (d) the Immigration Service;
  - (e) the Customs Division of the Ghana Revenue Authority;
  - (f) the Office of the Attorney-General; and
  - (g) representatives of other competent agencies as the Commission may determine.
- (3) The Minister shall, in consultation with the Minister responsible for Defence, appoint the Coordinator of the Fisheries Enforcement Unit.
- (4) The Commission shall
- (a) establish a Regional Fisheries Enforcement Unit; and
  - (b) in consultation with the Inspector-General of Police, appoint a Regional Coordinator for the Regional Fisheries Enforcement Unit.

**Functions of the Fisheries Enforcement Unit**

123. (1) The Fisheries Enforcement Unit is responsible for the enforcement of

- (a) this Act;
- (b) the Regulations made under this Act; and
- (c) any other enactment relating to the regulation of fishing activities.

(2) The Fisheries Enforcement Unit is responsible to the Executive Director in the performance of the functions of the Fisheries Enforcement Unit.

**Authorisation for electronic surveillance**

124. (1) Subject to the Electronic Transactions Act, 2008 (Act 772), the Commission or any relevant agency may submit an application to the Court for authorisation to conduct electronic surveillance for the purpose of investigating an offence under this Act or Regulations made under the Act;

(2) An application for authorisation for electronic surveillance under subsection (1) shall disclose

- (a) the type of electronic surveillance for which authorisation is sought;

- (b) the duration for which authorisation is sought;
- (c) the nature of the information that is expected to be collected;
- (d) the individuals, locations or devices that are the target of the electronic surveillance;
- (e) the identity of persons to conduct the electronic surveillance;
- (f) the measures that are in place to ensure that the privacy and other human rights of the persons under electronic surveillance are protected to the extent possible;
- (g) whether the matter has been the subject of a previous application; and
- (h) any additional requirements required by the Court.

(3) The Court may grant an application for electronic surveillance under subsection (1), conditionally or otherwise, on such reasonable grounds that,

- (a) an offence to which this Act applies has been, is being or is likely to be committed, and
  - (b) the nature and extent of the suspected criminal activity are such as to justify the type of electronic surveillance for which authorisation is sought.
- (4) For the purpose of this section, “electronic surveillance” means
- (a) monitoring, intercepting, copying or manipulating messages, data or signals transmitted by electronic means; or
  - (b) monitoring or recording activities by electronic means for the purpose of investigating an offence to which this Act or Regulations made under this Act applies, that has been, is being or may be committed.

#### **Dissemination of information from electronic surveillance**

125. (1) A person authorised under section 124 to conduct electronic surveillance for investigation purposes shall not disseminate or publish any information obtained through electronic surveillance without the approval of the Executive Director.

(2) The Executive Director shall not grant an approval for the dissemination or publication of information obtained through electronic surveillance unless the dissemination or publication is necessary to

- (a) prevent or prosecute an offence to which this Act or Regulations made under this Act applies;
- (b) enhance international cooperation on the prevention or prosecution of crimes related to fisheries; or
- (c) ensure the effective and efficient oversight of the activities of the Commission.

**Compliance with directions of authorised officer**

126. (1) Subject to section 119, the master and every crew member of a fishing vessel, the driver of a vehicle and the pilot and crew of an aircraft shall

- (a) immediately comply with every instruction or direction given by an authorised officer as appropriate;
- (b) facilitate the safe boarding, entry and inspection of the vessel, vehicle or aircraft and the related fishing gear, equipment, records, fish and fishery products;
- (c) take reasonable measures to ensure the safety of an authorised officer or an observer as appropriate in the performance of the functions of the officer or observer;
- (d) facilitate full access to and use of facilities and equipment, including radio and any other communication equipment on-board the vessel;
- (e) facilitate the recording of any aspect of the fishing and fishing-related activities, of the holds and of the processing facilities;
- (f) authorise the collection of any samples of catches for inspection, monitoring and quality control purposes;
- (g) authorise the collection of any relevant information; and
- (h) ensure that the personnel of the fishing vessel do not obstruct, intimidate, delay, interfere with, influence, bribe or attempt to bribe authorised officers in the exercise of powers or the performance of the duties of the authorised officers.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of

- (a) not less than fifty penalty units and not more than five hundred penalty units in respect of an artisanal fishing vessel; and
- (b) not less than the Cedi equivalent of one thousand United States Dollars and not more than the Cedi equivalent of two million United States Dollars, in respect of any other fishing vessel.

(3) A person shall

- (a) not assault, obstruct, resist, delay, refuse boarding to, intimidate or fail to take reasonable measures to ensure the safety or interfere with an authorised officer or an observer in the performance of the duties of the authorised officer or observer;
- (b) not incite or encourage another person to assault, resist or obstruct an authorised officer or an observer in the performance of the function of the officer or observer, or a person lawfully acting under the orders of the authorised officer or observer or in the aid of the officer or observer;
- (c) not use threatening language or behave in a threatening or insulting manner or use abusive language or insulting gestures towards an authorised officer or an observer while in the performance of the functions of the authorised officer or observer, or a person lawfully acting under the orders of the authorised officer or observer or in aid of the authorised officer or observer;
- (d) comply with a lawful order of an authorised officer;
- (e) not provide particulars to an authorised officer or an observer which, to the knowledge of the person, are false or misleading in a material respect; or
- (f) not impersonate or pretend to be an authorised officer or an observer or pretend to be a person lawfully acting under the orders of an authorised officer or an observer or in aid of the officer or observer.

(4) A person who contravenes a provision of subsection (3) commits an offence and is liable on summary conviction

- (a) in the case of inland artisanal fishing and marine artisanal fishing, to a fine of not less than fifty penalty units and not more than five hundred penalty units; and
- (b) in the case of any other fishing vessel, to a fine of not less than the Cedi equivalent of one thousand United States Dollars and not more than the Cedi equivalent of two million United States Dollars.

(5) For the purpose of paragraph (a) of subsection (3), a person obstructs an authorised officer or an observer if that person does not allow the authorised officer or observer, or a person lawfully acting under the orders of the authorised officer or observer or in aid of the authorised officer or an observer to perform any of the functions conferred by this Act.

(6) Where a vessel transports an authorised officer or an observer outside the fishery waters and the authorised officer or observer is forced to disembark outside the territory or jurisdiction of the Republic, the master, owner and agent commit an offence and are jointly and severally liable on summary conviction to a fine of not less than the Cedi equivalent of two hundred thousand United States Dollars and not more than the Cedi equivalent of one million United States Dollars.

(7) The master, owner and agent of the vessel under subsection (6) are responsible for the cost of

- (a) repatriation including board and lodging while out of the Republic; and
- (b) direct transportation to the Republic.

#### **Immunity from legal proceedings**

127. (1) Subject to the Constitution, an action shall not be brought against an authorised officer or an observer in respect of an act done in good faith in the performance of a function under this Act.

(2) A person authorised under this Act to conduct electronic surveillance shall not be subject to criminal or civil liability for the conduct of the electronic surveillance.

*Jurisdiction and Evidence***Jurisdiction of Court**

128. (1) An act or omission which involves a Ghanaian fishing vessel or a foreign fishing vessel in contravention of a provision of this Act committed

- (a) by a person within the fishery waters,
- (b) outside the fishery waters by a citizen or a person ordinarily resident in the country, or
- (c) by a person on board a local fishing vessel

shall be dealt with in a Court determined by the Chief Justice.

(2) Where a foreign vessel is involved in the commission of the act or omission, judicial proceedings shall be taken as if the act or omission has taken place within the jurisdiction of the Republic.

(3) Where an authorised officer or an observer performs, outside the fishery waters, a function conferred on the authorised officer or observer in accordance with this Act, an act or omission of a person in contravention of a provision of this Act shall be presumed to have been committed within the fishery waters.

(4) Despite any other enactment to the contrary, an information or a charge in respect of an offence under this Act may be laid at any time within one year of the commission of the offence.

**Institution of criminal proceedings**

129. (1) Criminal proceedings under this Act and Regulations made under this Act may be instituted and conducted by

- (a) the Attorney-General; or
- (b) an officer of the Commission appointed by the Attorney-General in accordance with section 56 of the Criminal and Other Offences (Procedure) Act, 1960 (Act 30).

(2) A Court, in the conviction of a person for an offence under this Act or Regulations made under the Act may, in addition to the fine or imprisonment, order the person to pay into the Fund, an administrative penalty together with interest on the amount due from that person to the Commission at the date of conviction.

(3) The order of payment to the Fund shall not limit the Commission from seeking a civil remedy.

**Certificate of evidence**

130. The Executive Director, or a person designated in writing by the Executive Director, may give a certificate of evidence which states that

- (a) a specified vessel was or was not, on a specified date, a local fishing vessel or a foreign fishing vessel;
- (b) a specified vessel or person was or was not, on a specified date, the holder of a specified licence;
- (c) a particular location or area of water was, on a specified date, within
  - (i) the fishery waters,
  - (ii) a closed, limited, restricted or in any other way, controlled area of the fishery waters, or
  - (iii) an area of the fishery waters subject to specified conditions;
- (d) an appended chart shows the boundaries, on a specified date, of the fishery waters, closed or limited areas or any other areas or zones delineated for a specified purpose;
- (e) a particular item or piece of equipment is fishing gear;
- (f) the death of or injury to a fish was caused in a particular manner;
- (g) an appended document is a true copy of an approved charter agreement, an access arrangement or related agreement;
- (h) a call sign, name or number is that of or allotted under a system of naming or numbering of vessels to a particular vessel; or
- (i) a particular position or catch report, a copy of which is appended, was given in respect of a specified vessel.

**Validity and procedures for certificate of evidence**

131. (1) Unless the contrary is proved, a document purporting to be a certificate of evidence issued under section 130 shall be regarded as a certificate duly issued under this Act.

(2) Where a certificate of evidence issued under section 130 is served on a defendant seven or more working days before the production of the certificate in a Court proceeding under this Act, the certificate is, unless the contrary is proved, sufficient evidence of the fact averred in the certificate.

(3) Where a certificate issued under section 130 is served on a defendant fourteen or more working days before the production of the certificate in court and the defendant does not, within seven working days of the date of service, serve notice of objection in writing on the prosecutor, the certificate is, unless the Court finds the defendant is unduly prejudiced by a failure to object, conclusive proof of the facts averred in the certificate.

(4) Where an objection is raised under subsection (3), the certificate of evidence is, unless the contrary is proved, sufficient evidence of the facts averred in the certificate.

(5) A certificate of evidence issued under section 130 shall

(a) be titled "Certificate of Evidence made under section 130 of the Fisheries and Aquaculture Act, 2025 (Act .....)", and

(b) not be used as conclusive proof of the facts averred in the certificate of evidence unless the certificate is served with a copy of sections 129 and this section.

(6) An omission from or mistake made in a certificate of evidence issued under section 128 shall not render the certificate invalid unless the Court considers that

(a) the omission or mistake is material to a matter in the proceedings concerned; or

(b) the defendant is unduly prejudiced by the mistake or omission.

(7) Where in legal proceedings, a certificate of evidence issued under section 130 is produced to the Court,

(a) the prosecution is not obliged to call the person who issued the certificate; and

- (b) the Court shall, where material, rely on the facts in the certificate unless the contrary is proved.

**Certificate as to the location of a vessel**

132. (1) Where in proceedings under this Act, the place or area in which a vessel is alleged to have been at a particular date and time or during a particular period of time is material to an offence charged, the place or area stated in a certificate given by an authorised officer is evidence, unless the contrary is proved, of the place or area in which the vessel was at the date and time or during the period of time stated.

(2) An authorised officer shall, in a certificate issued under subsection (1), state

- (a) the name, address, official position, country of appointment of the authorised officer and the provision of the enactment under which the authorised officer is appointed;
- (b) the name and, if known, the call sign of the fishing vessel concerned;
- (c) the place or area in which the authorised officer alleged the vessel was located;
- (d) the date and time or period of time the vessel was in the place or area;
- (e) the position fixing instruments used to fix the place or area stated in paragraph (c) and the accuracy of the instruments within specified limits;
- (f) a declaration that the authorised officer checked the position fixing instruments at a reasonable time before and after the instruments were used to fix the position and the instruments appeared to be working correctly; and
- (g) if a position fixing instrument which is not judicially recognised as notoriously accurate or a designated machine is used, a declaration that the authorised officer checked the instrument as soon as possible after the time concerned against the instrument.

(3) Section 131 applies to a certificate issued under this section as if the certificate had been a certificate issued under section 130, and a reference in the certificate to section 131 shall be read as a reference to this section.

- (4) For the purpose of this section, an "authorised officer" includes
- (a) a surveillance officer, and
  - (b) an officer charged with similar responsibilities in another country.

#### **Designated device**

133. (1) The Executive Director may, by notice in the *Gazette*, designate a device as a designated device.

(2) The readings of a designated device shall be admissible as evidence of the facts that aver if

- (a) the device, where applicable, has been calibrated and issued with a certificate by the competent authority,
- (b) the readings were made by a competent operator of the device, and
- (c) the device was checked for correct working at a reasonable time before and after the readings which the device is sought to adduce in evidence were made, and the device appeared to be working correctly.

(3) A designated device, when checked for correct working and read by a competent operator, shall, unless the contrary is proved, be presumed to give accurate readings within the specified limits of the manufacturer.

(4) The readings of a designated device may be made from a printout or as observed from a visual display unit.

(5) A device referred to in subsection (1) shall be capable, wholly or partially, of producing the readings concerned and not merely be receivers of information data.

#### **Photographic evidence**

134. (1) Where a photograph is taken of a fishing or related activity and simultaneously the date, time and position from which the photograph is taken are superimposed on the photograph, then it is presumed, unless the contrary is proved, that the photograph was taken on the date and at the time and in the position so appearing.

- (2) The presumption under subsection (1) arises only if
- (a) the camera which takes the photograph is connected directly to the instruments, which provide the date, time and position concerned, and
  - (b) the instruments which provide the date, time and position are judicially recognised as being usually accurate or are designated machines or were checked as soon as possible after the taking of the photograph against the instruments.
- (3) An authorised officer or an observer who takes a photograph described in subsection (1) may issue a certificate with the photograph attached.
- (4) A certificate issued under subsection (3) shall state
- (a) the name, address, official position, country of appointment of the authorised officer and the provision of the enactment under which the authorised officer is appointed;
  - (b) the name and the call sign, if known, of a fishing vessel that appears in the photograph;
  - (c) the name of the camera, watch or clock or any other instruments, which supplies the date, the time and the position of the instruments and a declaration that the authorised officer checked the instruments a reasonable time before and after the taking of the photograph and, if necessary, in accordance with paragraph (b) of subsection (2) and that the instruments appeared to be working correctly;
  - (d) the matters set out in paragraph (a) of subsection (2);
  - (e) the accuracy of the fixing instrument used within specified limits; and
  - (f) the maximum possible distance and the direction of the subject of the photograph away from the camera at the time the photograph was taken.
- (5) Section 131 applies to a certificate issued under this section as if it had been a certificate issued under section 130 and a reference in the certificate to section 131 shall be read as a reference to this section.

**Admissibility of electronic or digital evidence**

135. (1) Subject to the Electronic Transactions Act, 2008 (Act 772), the readings of an automatic location communicator or other electronic device integral to a vessel monitoring system or a digital monitoring system which is printed, stored, recorded or copied on optical or electro-magnetic media produced by a computer or related device is

- (a) presumed to be a document, and
- (b) admissible as evidence in a proceeding related to this Act or Regulations made under this Act

(2) A Court shall not deny admissibility of evidence under subsection (1) only on the ground that the evidence is not in the original form.

(3) Electronic and digital evidence generated by a person in the ordinary course of business, or a copy or printout of or an extract from the electronic and digital evidence certified to be correct by a person in the service of the person, is on the production, in a civil, a criminal or administrative proceedings related to this Act, admissible in evidence against that person.

**Presumptions**

136. (1) A fish found on board a fishing vessel or aquaculture product found in an aquaculture establishment which has been used in the commission of an offence under this Act is presumed to have been caught or harvested during the commission of that offence, unless the contrary is proved.

(2) Where, in legal proceedings under this Act, the place in which an event is alleged to have taken place is in issue, the place stated in the relevant entry in the logbook of any other official record of an enforcement vessel, an aircraft or an aquaculture establishment as being the place in which the event took place is presumed to be the place at which the event took place, unless the contrary is proved.

(3) *Prima facie* evidence of an entry in a logbook or any other official record of an enforcement vessel, an aircraft or an aquaculture establishment may be given by the production of a written copy or extract of the entry certified by an authorised officer as a true copy or accurate extract.

(4) Where in legal proceedings relating to an offence under this Act, an authorised officer gives evidence that the officer had reasonable grounds to believe that a fish or an aquaculture product to which the charge relates was taken in a specified area of the fishery waters or aquaculture establishment and the Court considers that, on the evidence the grounds are reasonable, the fish or aquaculture product is presumed to have been so taken, unless the contrary is proved.

(5) Where in legal proceedings for an offence under this Act, an authorised officer gives evidence that the officer had reasonable grounds to believe that a fish to which the charge relates was taken by the use of driftnets, and the Court considers that, on the evidence, the grounds are reasonable, the fish is presumed to have been taken by the use of driftnet, unless the contrary is proved.

(6) Where information is given in respect of a fishing vessel under this Act or an access agreement in relation to a fishing activity of a foreign fishing vessel, the information is presumed to have been given by the master, owner or charterer of the vessel concerned, unless it is proved that the information was not given by the master, owner or charterer of the vessel.

(7) An entry in writing or any other mark on a log, chart or any other document required to be maintained under this Act or used to record the activities of a foreign fishing vessel is presumed to be that of the master, owner or charterer of the vessel.

(8) In proceedings involving a secure electronic record, the Court shall presume, unless the contrary is proved, that the secure electronic record has not been altered since the specific point of time the secure electronic signature was affixed.

#### **Onus of proof**

137. (1) Where, in proceedings under this Act, a person is charged with having committed an offence involving an act for which a licence, an authorisation or any other permission is required, the onus is on that person to prove that at the relevant time, the requisite licence or authorisation or other permission was held by that person.

(2) Where a person is charged with the contravention of paragraph (c) of subsection (2) of section 56, the onus is on that person to prove that the entry into the fishery waters was for a purpose recognised by international law.

(3) Where a person is charged with the contravention of section 149, the onus is on the person to prove that the information given was true, complete and correct.

#### **Destruction of evidence**

138. A person who destroys or abandons a fish, fishing gear, net or any other fishing appliance, electric shock device, explosive, poison or any other noxious substance, or any other things with the intent to avoid seizure or the detection of an offence under this Act commits an offence and is liable on summary conviction to a fine

- (a) of not less than the Cedi equivalent of two thousand United States Dollars and not more than the Cedi equivalent of fifty thousand United States Dollars, in respect of a Ghanaian industrial fishing vessel,
- (b) of not less than the Cedi equivalent of one thousand United States Dollars and not more than the Cedi equivalent of fifty thousand United States Dollars, in respect of a Ghanaian semi-industrial fishing vessel,
- (c) of not less than the Cedi equivalent of fifty thousand United States Dollars and not more than the Cedi equivalent of two hundred thousand United States Dollars, in respect of a foreign fishing vessel, or
- (d) of not less than fifty penalty units and not more than five hundred penalty units, in the case of an inland artisanal fishing vessel or a marine artisanal fishing vessel.

#### **Liability of master and an officer of a company**

139. (1) Where an offence under this Act is committed by a person on board or employed on a fishing vessel, the master of the vessel is presumed to have committed the offence.

(2) Where an offence under this Act is committed by a company or by a member of a partnership firm or business, every director,

manager, secretary or other officer of that company directly connected with the activity or any other member of the partnership or other person concerned with the management of the firm or business is presumed to have committed the offence unless that person proves to the satisfaction of the Court that,

- (a) that person used due diligence to secure compliance with the Act, and
- (b) the offence was committed without the knowledge, consent or connivance of that person.

#### **Continuing offence**

140. Each day of a continuing contravention of a provision of this Act constitutes a separate offence and the Court before which a person is charged shall impose a penalty of not more than one per cent of the relevant minimum penalty or a penalty, where applicable, within the maximum fine, whichever is greater, for each day during which the offence continues.

#### **Banning order**

141. (1) Where a person is convicted of an offence under this Act, the Court may in addition to any other penalty or forfeiture, order that the person is banned from going on or remaining aboard a fishing vessel in the fishery waters for a period of not more than five years.

(2) A person who contravenes an order made under subsection (1) and a master of a fishing vessel who has aboard a person the master knows is banned under subsection (1), commits an offence and each person is liable on summary conviction to a fine

- (a) of not less than the Cedi equivalent of ten thousand United States Dollars and not more than the Cedi equivalent of one hundred thousand United States Dollars, in the case of a Ghanaian industrial fishing vessel, a Ghanaian semi-industrial fishing vessel or of a foreign fishing vessel; or
- (b) of not less than fifty penalty units and not more than five hundred penalty units, in the case of an inland artisanal fishing vessel or marine artisanal fishing vessel.

*Release of Seized Goods and Forfeiture of Property***Release of seized goods**

142. (1) Subject to this section, where an offence is committed under this Act in relation to an aquaculture establishment, a fish processing establishment, a fishing vessel, an aircraft, a vehicle, or any other item, the aquaculture establishment, fish processing establishment, fishing vessel, aircraft, vehicle or item may be arrested or seized and detained pending the conclusion of proceedings arising from the offence.

(2) A Court may, on application, order the release of a fishing vessel together with the fishing gear, equipment, stores and cargo, a vehicle, an aircraft, an aquaculture equipment, a fish processing equipment or any other related item seized under this Act on receipt of the bond or any other form of security determined by the Court.

(3) In determining the value of the bond or any other form of security, the Court shall take the following into consideration in setting the value of the bond or security at the aggregate amount:

- (a) the aggregate amount of the value of the property to be released;
- (b) an estimated total fine or any other penalty provided for the offences charged or likely to be charged; and
- (c) the costs that the prosecution is likely to recover if a conviction was obtained.

(4) Despite subsection (3), the amount determined by the Court under this section shall not be less than the fair market value of the property to be released or the aggregate minimum fine or penalty for each offence charged, whichever is greater.

**Forfeiture by Court**

143. (1) Where a person is convicted of an offence under this Act, the Court, in addition to any other penalty,

- (a) may order that aquaculture establishment, fish processing establishment, a fishing vessel together with the fishing gear, equipment stores and cargo and a vehicle or an aircraft used, or any related items involved in the commission of that offence be forfeited to the Republic; or

- (b) shall order, where a person is convicted of an offence relating to an unlicensed activity under this Act, that aquaculture establishment, fish processing establishment, a fishing vessel together with the fishing gear, equipment, stores and cargo and a vehicle or an aircraft used or any related items involved in the commission of that offence be forfeited to the Republic.

(2) Where an aquaculture establishment, a fish processing establishment, a vessel, a vehicle, an aircraft or any other item seized under this Act, a bond, a security or the net proceeds of sale in respect of the aquaculture establishment, the fish processing establishment, the vessel, the vehicle, the aircraft or any other item seized is not forfeited or applied in the discharge of a fine, order or cost of penalty imposed under this Act, the Court shall make available the aquaculture establishment, the fish processing establishment, the vessel, the vehicle, the aircraft or the item seized for collection by

- (a) the registered owner or the nominee of the registered owner; or
- (b) in the absence of the registered owner, the person who appears to the Court to be entitled.

*Administration of Compounding Offences*

**Compounding Offences Committee**

144. (1) The Commission shall establish, a Compounding Offences Committee.

- (2) The Compounding Offences Committee consists of
  - (a) a representative of the Attorney-General not below the rank of a Chief State Attorney nominated by the Attorney-General who is the chairperson;
  - (b) an officer of the Legal Unit of the Commission nominated by the Executive Director;
  - (c) a representative of the fishing industry nominated by the National Fisheries Association of Ghana;
  - (d) a representative of the aquaculture industry nominated by the Ghana Aquaculture Association; and
  - (e) a representative of the Ministry not below the rank of a Deputy Director who shall be a woman.

(3) The Commission shall appoint the members of the Compounding Offences Committee.

(4) Sections 10 and 16 on disclosure of interest and allowances, respectively, apply to a member of the Compounding Offences Committee.

#### **Functions of the Compounding Offences Committee**

145. (1) The Compounding Offences Committee shall consider a referral made to the Committee by the Executive Director and determine,

- (a) the appropriateness of the alleged offence as a compounding offence under this Act or Regulations made under this Act;
- (b) the appropriate amount to compound for offences under this Act or Regulations under this Act;
- (c) the market value of fish caught illegally or an item seized, where the penalty of the offence includes a judicial sale of the fish caught illegally or item seized; and
- (d) any other concern related to compounding offences determined by the Executive Director.

(2) The Compounding Offences Committee may make the necessary recommendation to the Executive Director for a decision to compound the offence or otherwise.

(3) The Compounding Offences Committee shall, in making a recommendation under subsection (2), take into consideration,

- (a) the appropriate legal provisions;
- (b) the nature and circumstances of the offence;
- (c) the gravity of the offence;
- (d) the past behaviour of the alleged offender;
- (e) the previous convictions of the alleged offender; and
- (f) any other factor that the Committee considers relevant.

#### **Compounding of offences**

146. (1) The Executive Director may, upon the recommendations of the Compounding Offences Committee established under section 144, compound, by notice, an offence under this Act or Regulations made under this Act if,

- (a) the Commission is satisfied that an offence has been committed,
- (b) the person admits in writing to the commission of the offence, and
- (c) the person agrees in writing that the offence be compounded under this section.

(2) The Compounding Notice shall indicate the details of the offence, nature of the offence, compounding amount and stipulated time of payment in a prescribed form.

(3) Despite subsection (1), where a person is satisfied that an offence has been committed under this Act, that person may submit a request in writing to the Commission to compound the offence.

(4) The Executive Director shall not offer to compound an offence for an amount less than the minimum penalty specified for the offence or the fair market value of the fish caught illegally or any item lawfully seized as determined by the Compounding Offences Committee.

(5) An alleged offender who has previously committed an offence under this Act and seeks to have a current offence compounded shall pay not less than the minimum penalty plus ten per cent of the minimum penalty for each offence previously committed.

(6) The Executive Director may direct the release of an article seized under this Act or the proceeds of the sale of the article on terms and conditions determined by the Compounding Offence Committee, but the Executive Director shall not order the release unless the penalties have been paid in full.

(7) The compounding of an offence under this section is valid on the payment of the fine or penalty determined by the Executive Director within the specified time.

(8) Where the offender fails to pay the compounded amount within specified time, the Commission shall initiate prosecutions against the offender at the High Court.

(9) The sum of money which accrues to the Commission from subsection (2) shall be paid into the Fund.

(10) Despite subsection (1), the Executive Director shall not

compound the following offences:

- (a) fishing without a valid license or authorisation;
- (b) failure to maintain accurate records of catch and catch-related data or misreporting of catch;
- (c) fishing in a closed area, fishing during a closed season or fishing without or after attainment of a quota;
- (d) use of prohibited fishing gear;
- (e) falsification or concealment of the markings, identity or registration of a fishing vessel;
- (f) concealment, tampering with or disposing of evidence relating to an investigation; and
- (g) multiple violations which together constitute a disregard of conservation and management measures.

#### **Effect of compounding offence**

147. (1) A payment of a compounded amount shall constitute an admission of the commission of the offence, and prosecution shall not be instituted, or if proceedings have commenced, the proceedings shall be discontinued by the relevant person or authority against the alleged offender for the commission of the offence.

(2) Where an alleged offender who is offered an option to compound an offence under this Act does not agree to compound the offence or accepts to compound the offence but fails to pay the compounded amount within the specified period, the Commission shall institute proceedings against the alleged offender for the offence.

(3) In a proceeding brought against an alleged offender for an offence that the alleged offender has compounded under this Act by any person or authority, it shall be a defence if the alleged offender proves that the offence has been compounded under this Act.

#### **Report on compounding offences**

148. (1) The Commission shall, within thirty working days of each case, publish a summary of the proceedings of the Compounding Offences Committee on the website of the Commission.

(2) A publication under subsection (1) shall indicate for each case,

- (a) the details of the alleged offender;
- (b) the nature of the offence;
- (c) the summary of recommendations by the Compounding Offences Committee;
- (d) the amount compounded; and
- (e) the status of payment and remedial action.

*Fisheries and Aquaculture Appeals Committee*

**Fisheries and Aquaculture Appeals Committee**

149. (1) There is established by this Act, a Fisheries and Aquaculture Appeals Committee which shall consider and determine appeals under section 151.

(2) The Appeals Committee consists of

- (a) a retired Justice of the Superior Court who shall be the Chairperson;
- (b) a lawyer with at least ten years' experience in the fisheries and aquaculture industry; and
- (c) a representative of the Attorney-General not below the rank of a Principal State Attorney nominated by the Attorney-General

(3) The Minister shall appoint the members of the Appeals Committee.

(4) The provisions of section 10 on disclosure of interest and section 16 on allowances apply to a member of the Appeals Committee.

(5) The Appeals Committee may co-opt an expert to attend meetings of the Appeals Committee but that co-opted member shall not vote on a matter for decision at the meeting.

(6) The Appeals Committee shall have the power to

- (a) summon and compel the attendance of witnesses; and
- (b) order the production of documents.

(7) The Appeals Committee shall regulate the proceedings of the Appeals Committee and shall, in the deliberations of the Appeals Committee, be guided by fairness and the rules of natural justice.

**Tenure of office of members of the Appeals Committee**

150. (1) A member of the Appeals Committee shall hold office for a period of three years and is eligible for re-appointment for another term only.

(2) A member may at any time resign from office in writing addressed to the Minister.

(3) Where a member of the Appeals Committee is, for a sufficient reason, unable to act as a member, generally or in relation to a particular proceeding, the Minister may appoint another person to perform the functions of that member generally or in relation to the particular proceeding.

(4) A person appointed under subsection (3) shall, during the period of appointment or in relation to the proceeding in question, have the same powers as the member in whose place that person is appointed.

**Appeal from decision of the Commission**

151. (1) A decision of the Minister or the Commission in relation to a licence, permit, approval or authorisation under this Act is subject to an appeal to the Appeals Committee.

(2) A person aggrieved by a decision of the Minister or the Commission to

(a) refuse to issue or renew a licence, permit, approval or authorisation, or

(b) modify, cancel or suspend a licence,

under this Act may, within fourteen working days of receipt of notification of that decision, appeal first to the Appeals Committee for redress.

(3) The Appeals Committee may affirm, set aside or vary the decision appealed against.

(4) The Appeals Committee shall give the reasons for the decision of the Appeals Committee in writing.

(5) A person who is not satisfied with a decision of the Appeals Committee may, within sixty days after being notified of the decision, apply to the High Court for a review of the decision.

*Offences and Penalties*

**Information or documentation to be true, complete and correct**

152. (1) A person shall ensure that information required to be recorded, notified, communicated or reported pursuant to a requirement of this Act is true, complete and correct.

(2) A person who obtains a licence, certificate of registration or any other document required to be obtained under this Act shall ensure that the licence, certificate of registration or other document is obtained and held in the original and correct form as required under this Act.

(3) A person shall, immediately, give notice in writing to the appropriate authority of a change of circumstances which has the effect of rendering the information or documentation to be false, incomplete or misleading.

(4) A person who contravenes subsection (1), (2) or (3) commits an offence and is liable on summary conviction,

- (a) in the case of a marine artisanal fishing vessel, to a fine of not less than one hundred penalty units and not more than two hundred penalty units;
- (b) in the case of an inland artisanal fishing vessel, to a fine of not less than one hundred penalty units and not more than two hundred penalty units; or
- (c) in the case of a Ghanaian industrial fishing vessel, a Ghanaian semi-industrial fishing vessel, a foreign fishing vessel or any other fishing-related vessel, to a fine of not less than the Cedi equivalent of twenty thousand United States Dollars and not more than the Cedi equivalent of one million United States Dollars.

**Damage to fishing vessel, gear or other fishing appliance**

153. (1) A person who damages or destroys a fishing vessel, gear or any other fishing appliance which belongs to another person commits an offence and is liable on summary conviction,

- (a) in the case of a marine artisanal fishing vessel or an inland artisanal fishing vessel, to a fine of not less than two hundred and fifty penalty units and not more than one

thousand penalty units or to a term of imprisonment of not less than one year and not more than two years, or to both; or

- (b) in the case of a Ghanaian industrial fishing vessel, a Ghanaian semi-industrial fishing vessel, a foreign fishing vessel or any other fishing-related vessel, to a fine of not less than the Cedi equivalent of fifty thousand United States Dollars and not more than the Cedi equivalent of two million United States Dollars or to a term of imprisonment of not less than one year and not more than two years, or to both.

(2) A person convicted under subsection (1) shall, in addition, pay compensation to the aggrieved person for the damage or destruction,

(a) in the sum determined by the Court; or

(b) in the case of a compounding offence, in the sum determined by the Commission.

#### **Unlawful import and export of fish, fishery and aquaculture products**

154. (1) A person shall not import into or export from the country, fish, fishery and aquaculture products in commercial quantity unless that person has been granted a permit by the Minister on the advice of the Commission.

(2) A permit granted under subsection (1) shall be in the form and be subject to the conditions determined by the Minister.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than the Cedi equivalent of fifty thousand United States Dollars or more than the Cedi equivalent of one million United States Dollars or the value of the fish in United States Dollars, whichever is greater.

(4) Where by a permit or an authorisation, a person is permitted to export aquaculture product, tuna or any other marine products originating from the country or the fishery waters, that person shall repatriate the foreign exchange obtained from the export in accordance with the Foreign Exchange Act, 2006 (Act 723).

(5) A person who contravenes subsection (4) commits an offence and is liable on summary conviction to a fine of not less than the Cedi

equivalent of one hundred thousand United States Dollars and not more than three times the value of the export or not more than the Cedi equivalent of two million United States Dollars, whichever is greater or to a term of imprisonment of not less than one year and not more than two years, or to both.

**Unlawful interference with aquaculture establishment**

155. (1) A person shall not, without a valid and applicable aquaculture licence or authorisation,

- (a) place an object in the water, or promote or undertake an activity in a manner so as to obstruct an aquaculture operation being carried out by another person; or
- (b) destroy, damage, displace or alter the position of an equipment lawfully deployed in connection with an aquaculture licence.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of not less than two thousand penalty units and not more than five thousand penalty units or to a term of imprisonment of not less than one year and not more than two years, or to both.

(3) A person convicted under subsection (2) shall, in addition to the penalty imposed, compensate the relevant licensee for any damage caused as a direct result of the contravention.

**Returns for import and export of fish, fishery and aquaculture products**

156. (1) A person who imports or exports fish, fishery or aquaculture products shall furnish the Commission with returns of the species, quantity and value of the fish, fishery or aquaculture products within one month of the import or export, in the form specified by the Commission.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than the Cedi equivalent of ten thousand United States Dollars and not more than the Cedi equivalent of one hundred thousand United States Dollars.

**Authorisation for transshipment**

157. (1) A fishing vessel or a vessel engaged in fishing-related activity shall not undertake transshipment activities in the fishery waters or a

designated port of the country unless with an authorisation in writing by the Executive Director.

(2) Except as otherwise provided under this Act, a person shall not engage in transshipment activities at sea.

(3) Transshipment authorised under this Act shall be undertaken solely in designated ports, at the time and under the terms and conditions as may be prescribed by Regulations.

(4) The master, owner or charterer of a vessel used in contravention of subsection (1) or (2) commits an offence and is liable on summary conviction,

(a) in the case of a marine artisanal fishing vessel or an inland artisanal fishing vessel, to a fine of not less than two hundred and fifty penalty units and not more than one thousand penalty units, or

(b) in the case of a Ghanaian fishing vessel or a foreign fishing vessel, to a fine of not less than the Cedi equivalent of one hundred thousand United States Dollars and not more than the Cedi equivalent of two million United States Dollars,

and in addition, to the confiscation of all the fish and fishery products on the vessel to the Republic.

#### **Licence and landing requirements for transshipment and export of tuna**

158. (1) Unless otherwise provided in this Act, a person shall not transship or export tuna in or from the fishery waters without

(a) a licence or an authorisation issued or granted by the Minister on the recommendation of the Commission, and

(b) first landing all the tuna in the Republic.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than the Cedi equivalent of ten thousand United States Dollars and not more than the Cedi equivalent of one million United States Dollars.

#### **Prohibition of licensed fishing vessel from landing fish outside the Republic**

159. (1) Unless otherwise authorised, an owner, a master or an operator of a fishing vessel registered in the Republic and licensed to fish in the

fishery waters of the Republic shall not land, transship or discharge any fish outside the Republic, including the high seas.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction

- (a) in the case of a marine artisanal fishing vessel or an inland artisanal fishing vessel, to a fine of not less than five hundred penalty units and not more than one thousand penalty units in the case of any other vessel, or three times the value of the catch, whichever is greater;
- (b) in the case of a Ghanaian fishing vessel or a foreign fishing vessel, to a fine of not less than the Cedi equivalent of ten thousand United States Dollars and not more than the Cedi equivalent of two million United States Dollars or three times the value of the catch, whichever is greater; and
- (c) in addition, the licence of the vessel may be suspended or canceled.

#### **Possession of prohibited fishing gear**

160. (1) Except otherwise provided in this Act, a person shall not, without permission in writing from the Commission, possess or control fishing gear which is prohibited for use in the fishery waters unless the fishing gear is located at least two kilometres inland from a shoreline.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of

- (a) not less than the Cedi equivalent of five thousand United States Dollars and not more than the Cedi equivalent of five hundred thousand United States Dollars in respect of a Ghanaian fishing vessel or a foreign fishing vessel; or
- (b) not less than five hundred penalty units and not more than one thousand penalty units, in respect of any other fishing vessel.

#### **General penalty**

161. A person who contravenes a provision of this Act for which a penalty is not provided commits an offence and is liable on summary

conviction to a fine

- (a) of not less than the Cedi equivalent of two hundred thousand United States Dollars and not more than the Cedi equivalent of five hundred thousand United States Dollars, where the offender is or the offence is committed in relation to a foreign fishing vessel,
- (b) of not less than the Cedi equivalent of twenty thousand United States Dollars and not more than the Cedi equivalent of one hundred thousand United States Dollars, where the offender is or the offence is committed in relation to a Ghanaian fishing vessel, or
- (c) of not less than two hundred and fifty penalty units and not more than five hundred penalty units, in the case of a marine artisanal fishing vessel or an inland artisanal fishing vessel,

and in addition, the catch, fishing gear or any other apparatus or a combination of the catch, fishing gear or any other apparatus involved in the commission of the offence may be forfeited, and the fishing licence may be cancelled or suspended for a specified period.

#### *Miscellaneous Provisions*

##### **Observation of other laws**

162. A fishing licence or any other authorisation issued under this Act shall not relieve a licensee or the master or crew of a fishing vessel from an obligation or a requirement imposed by a law concerning navigation, health, customs, immigration or any other matter.

##### **Insurance coverage**

163. The Commission shall arrange for full insurance coverage for an authorised officer and an observer in the performance of the duties of the authorised officer and observer.

##### **Civil proceedings**

164. (1) An administrative penalty imposed by the Commission may be recovered by action as a debt owed to the Commission.

(2) An action for the recovery of an administrative penalty may be instituted and conducted by an officer of the Commission in a Court.

**Research vessel**

165. (1) For the purpose of a research or a scientific investigation into fishing or aquaculture, the Minister may, on the advice of the Commission, in writing, exempt a research vessel or a person from all or any of the provisions of this Act.

(2) The Minister shall, in making an exemption under subregulation (1), impose the appropriate conditions.

**Guidelines, directives or notices**

166. (1) The Commission may issue guidelines, directives or notices to fishery and aquaculture-related organisations, including

- (a) fishing licence holders;
- (b) aquaculture permit holders;
- (c) fish processing establishments;
- (d) importers and exporters of fishery and aquaculture products; and
- (e) any other related organisation.

(2) The Commission shall publish guidelines, directives or notices issued under subsection (1) in the *Gazette*.

(3) A fishery or an aquaculture-related organisation affected by guidelines, directives or notices issued under subsection (1), shall comply with the guidelines, directives or notices.

(4) A person who fails to comply with guidelines, directives or notices issued under subsection (1) is liable to pay to the Commission an administrative penalty of not more than the Cedi equivalent of two hundred thousand United States Dollars.

**Collaboration with other authorities**

167. (1) A person authorised by an enactment to grant an authorisation, a licence, a permit or any other approval for a fishery or aquaculture-related enterprise shall collaborate with the Commission in the performance of the functions of the Commission.

(2) The Commission shall, in the performance of the functions of the Commission under this Act, collaborate with any person authorised by an enactment to grant licences and issue permits or approvals for fisheries and aquaculture-related services.

#### **Fines and forfeitures**

**168.** (1) Despite a provision in any enactment, a foreign fishing vessel shall pay a fine imposed in United States Dollars.

(2) Fines paid in Cedis shall be based on the official Bank of Ghana exchange rate on the date of payment.

(3) A property forfeited under this Act or Regulations made under this Act shall vest in the Commission and the money realised from the sale of forfeited property shall be paid into the Fund.

(4) Despite any enactment, a Court shall, on conviction of an offender under this Act or the Regulations made under this Act, order the offender to pay compensation of not less than seventy per cent of any fines imposed by the Court to the Commission.

#### **Regulations**

**169.** (1) The Minister shall, within twelve months after the coming into force of this Act, and on the advice of the Board, by legislative instrument, make Regulations to

- (a) prescribe the content, duration, consultative and approval process for fishery plans, including inland fishery plans and aquaculture plans;
- (b) provide a list of endangered, threatened and protected fishery resources or prohibited fishes as well as the minimum legal landing size of commercially important fish species;
- (c) provide for the conditions for industrial, semi-industrial and foreign vessels, including the conditions for authorisation of marine research or trial fishing and related matters;
- (d) provide for the classification, procedures and conditions for inland artisanal and marine artisanal fishing licence;
- (e) prescribe the appropriate fishing gear, fishing methods and restrictions necessary to conserve the artisanal fishery resources;

- (f) provide for aquaculture research, the handling or use of a product or technology arising from research and related matters;
- (g) prescribe the procedures for the registration conditions of aquaculture holding facilities, commercial aquaculture establishments, the qualification of authorised persons to manage aquaculture establishments;
- (h) prescribe the code of practice for fish farmers and any other measure that may be necessary for the effective and efficient management of aquaculture;
- (i) provide for fish hatchery standards;
- (j) prescribe the procedures for fish breeding and fish seed production authorisation, fish disease surveillance, disease control and related matters;
- (k) provide further for matters relating to tuna fishing;
- (l) provide for the trade in fish and aquaculture products, hygienic fish handling and use on board canoe, traceability procedures and specifications and related matters;
- (m) prescribe the conditions for the preservation of seized vessels, removal of parts from seized vessels and duties of master and crew to an authorised officer and other related matters;
- (n) provide for the licensing or registration of
  - (i) fishing gear and any other equipment or device used for fishing;
  - (ii) the types and sizes of fishing gear, and
  - (iii) other fishing devices, including the sizes of fishing nets that may be used for fishing, where the fishing nets may be used and prohibited fishing nets;
- (o) provide for licences and logbooks to be carried on board motorised fishing vessels;
- (p) provide for port State measures and authorisations to enter a port and for the use of a port;
- (q) prescribe the conditions for the approval of charter agreements; and
- (r) generally, to give effect to this Act.

- (2) The Minister, in consultation with the Minister responsible for Transport, on the advice of the Board, may, by legislative instrument, make Regulations to provide for the
- (a) examination and certification of skippers, second hand and engineers of fishing vessels;
  - (b) survey, registration and licensing of fishing vessels; and
  - (c) safety and marine radio equipment to be installed in motor fishing vessels.

### **Interpretation**

170. In this Act, unless the context otherwise requires,

- “access agreement” means a treaty, an agreement or arrangement entered into for the purpose of fishing or fishing-related activity;
- “Appeals Committee” means the Fisheries and Aquaculture Appeals Committee established under section 149;
- “aquaculture” means an activity designed to cultivate or farm fish or any other living aquatic organism;
- “aquaculture establishment” means a fish farm, a hatchery, a fish feed production and an aquaculture input facility;
- “aquaculture waste” means the by-products and pollutants generated by fish and fish farming activities including
  - (a) physical waste such as
    - (i) uneaten feed and faeces,
    - (ii) dead fish and organisms,
    - (iii) sediment and particulate matters, and
    - (iv) abandoned gear including nets and cages;
  - (b) chemical waste such as
    - (i) nutrient runoffs including nitrogen and phosphorus,
    - (ii) chemical treatments including antibiotics and pesticides,
    - (iii) disinfectants and sanitisers, and
    - (iv) hormones and growth promoters; and
  - (c) biological waste in the nature of
    - (i) disease-causing pathogens,

- (ii) parasites and pests,
- (iii) invasive species, and
- (iv) escaped farmed species;

"artisanal fishing" means the traditional canoe fishing carried on by a citizen within the inland or coastal waters of the Republic;

"artisanal fishing vessel" means a traditional canoe;

"authorised officer" means a person appointed under section 116;

"beneficially owned" means for one's own benefit and not as a trustee or an agent;

"beneficial owner" means an individual

- (a) who directly or indirectly ultimately owns or exercises substantial control over a person or a company;
- (b) who has a substantial economic interest in or receives substantial economic benefits from a company, whether acting alone or together with other persons;
- (c) on whose behalf a transaction is conducted; or
- (d) who exercises significant control or influence over a legal person or legal arrangement through a formal or informal agreement.

"blue economy" means the sustainable use of ocean resources for economic growth, improved livelihoods and jobs while preserving the health of ocean ecosystem;

"Board" means governing body of the Commission established under section 5;

"closed season" means a period during which a ban is placed on fishing activities in respect of type of fish, area, zones, method of capture or the parameters specified in the notice;

"coastal waters" means that part of the fishery waters lying seaward from the baseline from which the territorial sea extends;

"co-management" means a partnership arrangement in which the community of local resource users or fishers and

- government, with support and assistance as needed from other stakeholders including boat owners, fish traders, fish processors, boat builders and the business community and external agents including non-governmental organisations, academic and research institutions, share the responsibility and authority for the management of the fishery resources;
- “commercial aquaculture” means large-scale, intensive fish or seafood farming for sale and profit;
- “commercial fishing” means a fishing operation which results or intends or appears to result in the sale or trade of a fish which may be taken, caught or harvested during the fishing operations and does not include recreational fishing;
- “Commission” means the Fisheries Commission established under section 2;
- “competent authority” means the body or person vested with authority for the purpose concerned;
- “control” means the specification of the terms and conditions under which resources can be harvested;
- “conservation and management measures” means measures to conserve and manage living marine resources that are adopted and applied consistently with the relevant rules of international law including those reflected in the United Nations Convention on the Law of the Sea;
- “Court” means a court of competent jurisdiction;
- “deleterious substance” means a substance which when added to water will degrade or alter the water quality such that the water can directly or indirectly harm fish, fish habitat or the use of fish by humans;
- “driftnet” means a net which is laid out in the sea or river, with or without markers or floats or both, designed or intended, whilst drifting in the prevailing current or tide, to entangle fish;
- “ecosystem approach to fisheries” means an approach that strives to balance diverse societal objectives, by taking account of the knowledge and uncertainties about biotic,

abiotic and human components of ecosystems and their interactions and applying an integrated approach to fisheries within ecologically meaningful boundaries;

"effort", in relation to fishing means the time involved and frequency exercised in a fishing activity;

"effort data" means records on the type of gear, the duration of a fishing activity and the frequency of a fishing activity;

"exclusive economic zone" means that area beyond and adjacent to the territorial sea which does not extend beyond two hundred nautical miles from the baseline from which the breadth of the territorial sea is measured;

"Executive Director" means the person appointed under section 20;

"farming", in relation to fish or any other marine vegetation, means the breeding cultivation and rearing of fish or the cultivation of aquatic vegetation;

"fish" means a living aquatic organism, a plant or an animal including a fin-fish, a shellfish, a coral, a reptile, and marine and freshwater mammal but does not include an aquatic bird;

"fish aggregating device" includes

(a) a man-made or partly man-made floating or semi-submerged device, or directly placed natural materials, whether anchored or not, intended for the purpose of aggregating fish; and

(b) a natural floating object or which a device has been placed to facilitate the location of fish;

"fish processing establishment" means a place, other than a licensed fishing vessel where fish is canned, dried, gutted, salted, iced, chilled, frozen, smoked or otherwise processed for sale by wholesale in or outside the country;

"fishery" means one or more stocks of fish or the operation based on the stocks of fish which can be treated as a unit.

for the purpose of conservation and management, taking into consideration the following characteristics:

- (a) geographical;
- (b) scientific;
- (c) technical;
- (d) cultural;
- (e) economic;
- (f) recreational; and
- (g) any other relevant characteristics;

"fishery plan" means a plan for the management, development and conservation of fish;

"fishery waters" includes the waters over which the Republic has fisheries jurisdiction or sovereign rights, including

- (a) riverine systems,
- (b) internal waters,
- (c) territorial sea and exclusive economic zone, and
- (d) any other waters over which fisheries jurisdiction may be claimed;

"fishing" means

- (a) to search for, catch, take or harvest fish;
- (b) to attempt to search for, catch, take or harvest fish;
- (c) to engage in an activity which can reasonably be expected to result in the location, catching, taking or harvesting of fish;
- (d) to place, search for or recover a fish aggregating device or associated equipment including radio beacons;
- (e) an operation at sea in support of or in preparation for an activity within the meaning of paragraphs (a) to (d); or
- (f) the use of an aircraft in relation to an activity described in paragraphs (a) to (e);

"fishing gear" means an equipment, an implement or any other thing that can be used in the act of fishing, whether or not

the equipment, implement or other thing is used in connection with a vessel, including a fishing net, a rope, a line, a float, a trap, a hook, a winch, a boat or an aircraft;

"fishing licence" includes a fishing right;

"fishing vessel" includes

- (a) a vessel, a boat, a ship or any other craft which is used for, equipped to be used for, or of a type that is normally used for
  - (i) fishing,
  - (ii) the processing or storage of fish or fishery products,
  - (iii) the supply or support of vessels used for purposes described in subparagraph (i) or (ii),
  - (iv) the transportation of fish or fishery products from the fishing grounds, or
  - (v) related activities under subparagraphs (i) to (iv);
- (b) a canoe,
- (c) a motor fishing vessel, and
- (d) an ancillary vessel,

but does not include a vessel used for the transportation of fish or fishery products to or from a port of the Republic as a part of the general cargo;

"Food and Drugs Authority" means the Food and Drugs Authority established under section 80 of the Public Health Act, 2012 (Act 851);

"food grade material" means material that meets standards for safe use in food processing, handling and packaging;

"foreign fishing vessel" means a fishing vessel not registered under the Ghana Shipping Act, 2003 (Act 645);

"Forestry Commission" means the Forestry Commission established under section 1 of the Forestry Commission Act, 1999 (Act 571);

"Fund" means the Fisheries and Aquaculture Development Fund established under section 33;

- “Ghanaian fishing vessel” means a vessel
- (a) engaged in fishing or fishing-related activities registered under the Ghana Shipping Act 2003 (Act 645); or
  - (b) licensed under this Act;
- “Ghana Standards Authority” means the Ghana Standards Authority established under section 1 of the Ghana Standards Authority Act, 2022 (Act 1078);
- “holding facility” means a structure or an enclosure that is used to temporarily or permanently hold aquatic animals such as fish, shellfish or any other seafood, for various purposes including
- (a) a fish farm,
  - (b) a hatchery,
  - (c) a nursery,
  - (d) a quarantine facility,
  - (e) a live cargo hold on a vessel,
  - (f) an aquaculture tank, and
  - (g) a sea cage;
- “Illegal, Unregulated and Unreported fishing” means activities specified under subsection (2) of section 49;
- “industrial fishing vessel” means a motor fishing vessel equipped with hydraulic equipment which uses an industrial gear;
- “inshore exclusion zone” means the coastal waters between the coastline and twelve nautical miles offshore limit;
- “large semi-industrial fishing vessel” means a wooden vessel with an inboard engine of length overall of twenty-two meters and above;
- “length” in relation to a vessel means the overall length from bow to stern;
- “licensed fishing vessel” means a fishing vessel specified in a valid fishing licence;

“marine fisheries reserve” means the area declared as a marine fisheries reserve in the fishery waters in accordance with section 39;

“maritime zone” means the zone declared by the Maritime Zone (Delimitation) Act, 1986 (P.N.D.C.L. 159), inland waters, brackish waters and coastal waters within the territorial area of Ghana and the high seas in accordance with international law;

“master”, in relation to a fishing vessel, means the person for the time being in command or apparently in charge of the vessel;

“micro fish processing or storage establishment” means a micro-enterprise as classified in the Ghana Enterprise Agency (Classification of Micro, Small and Medium Enterprises) Regulations, 2023 (L.I. 2470) as an enterprise with permanent employees of one up to five and

- (i) a turnover of an amount less or equal to one hundred and fifty thousand Ghana Cedis; or
- (ii) a fixed asset value of an amount up to one hundred and fifty thousand Ghana cedis;

“Minister” means the Minister responsible for Fisheries;

“Ministry” means the Ministry responsible for Fisheries;

“monitoring” means the collection, measurement and analysis of fishing or aquaculture activity including catch, species composition, fishing effort, bycatch, discards and area of operations;

“monitoring device” means an electronic system used to track and manage fishing activity, including

- (a) vessel monitoring system;
- (b) an electronic logbook;
- (c) an automatic identification system;
- (d) a satellite-based monitoring system; and

- (e) related devices of a system or logbook under paragraphs (a) to (d);
- “motor fishing vessel” means a fishing vessel other than a canoe which is, at relevant times, constructed or adapted for the purpose of fishing and equipped with one or more inboard engines for the purpose of moving through water;
- “observer” means a person appointed or designated under section 121;
- “operator” means the owner, charterer or master of a vessel;
- “overfishing” means operating a fishery beyond the level of exploitation necessary to ensure sustainable yield of the fishery resources;
- “owner”, in relation to fishing vessel, includes
  - (a) a person who exercises, discharges or claims the right of accepting the obligation to exercise or discharge any of the functions of an owner whether on behalf of the owner or on behalf of another, and
  - (b) a person who is the owner jointly with any other person or persons and a manager, director or secretary of a body corporate or company,but does not include a person in possession under a charter-party;
- “recreational fishing” means fishing which is undertaken for leisure and not for the purpose of subsistence, barter or sale of fish;
- “regional fisheries management organisation” means an intergovernmental fisheries organisation or arrangement, as appropriate, that has the competence to establish conservation and management measures;
- “related activity” includes doing, attempting or preparing to do or having done any of the following:
  - (a) transshipment,
  - (b) storage, processing or the transport of fish taken from the fishery waters up to the time the fish is first landed,

- (c) refueling or supplying a fishing vessel, or
- (d) performing any other activity in support of a fishing operation;

"riverine system" includes

- (a) a natural drainage system comprising rivers and the tributaries of the river which originate from the sources and terminate at the estuaries of the river, and
- (b) a lagoon, lake, an impoundment, a dam or weir artificially created on the riverine system;

"seaworthiness" means the fitness of a vessel with reference to

- (a) the condition of hull and machinery of the vessel,
- (b) the extend of the fuel and provisions of the vessel, supply,
- (c) the quality of officers and crew of the vessel, and
- (d) the adaptability of the vessel for the type of voyage proposed;

"seine" includes fishing gear in the form of a net which is used to capture fish by surrounding the fish and pulling the fish vertically or horizontally from the water, the beach seine, purse seine and ring nets,

"small-scale fishery" means artisanal fishery and semi-industrial fishery;

"subsistence aquaculture" means small-scale, self-sufficient fish or seafood farming for personal or local consumption;

"surveillance" means the checking and supervision of fishing or aquaculture activity to ensure that national legislation, terms and conditions of access and management measures are observed;

"sustainable yield" means the quantity of fish that can be taken from the resource from year to year without danger of collapse or stock depletion;

- “support vessel” means a vessel which carries out operations in connection with and in support of a fishing vessel, including supply and any other fishing activity;
- “towing gear” means a fishing gear with a bag or cod-end which is towed at the bottom or mid-water by a motor fishing vessel and used for the purpose of taking fish;
- “transshipment” means the direct transfer of a quantity of fish onboard from one vessel to another vessel regardless of the location of the event, without the fish being recorded as landed;
- “tuna” includes tuna-like species of fish;
- “vessel” means a ship of another type or boat, or any floating platform used for, or intended to be used for, fishing or fishing-related activities, including transshipment of fish;
- “water body” means an area where water collects and flows including
- (a) a fresh water body including
    - (i) a river,
    - (ii) a lake,
    - (iii) a pond,
    - (iv) a wetland,
    - (v) a stream,
    - (vi) a dam, and
    - (vii) a reservoir;
  - (b) a saltwater body including
    - (i) an ocean,
    - (ii) a sea,
    - (iii) a bay estuary,
    - (iv) a coastal area; or
  - (c) brackish water body including
    - (i) a mangrove; and
    - (ii) a coastal wetland and related bodies; and
- “Water Resources Commission” means the Water Resources Commission established under section 1 of the Water

Resources Commission Act, 1996 (Act 522); and  
"zone" means the inshore exclusion zone designated under  
section 40.

**Repeal and savings**

171. (1) The following enactments are repealed:

- (a) the Fisheries Act, 2002 (Act 625); and
- (b) the Fisheries (Amendment) Act, 2014 (Act 880).

(2) Despite the repeal of Act 625 and Act 880, Regulations, directives, orders, directions, appointments or any other act lawfully made or done under Act 625 or Act 880 and in force immediately before the entry into force of this Act shall be considered to have been made or done under this Act and shall continue to have effect until revoked, reviewed, cancelled or terminated.

(3) This Act shall not affect Act 625 and Act 880 in the operation of offences committed, penalties imposed or proceedings commenced before the coming into force of this Act.

**Transitional provisions**

172. (1) The rights, assets, liabilities of and properties vested in the Fisheries Commission established under the Fisheries Act, 2002 (Act 625) immediately before the coming into force of this Act and persons employed by the Fisheries Commission established under the Fisheries Act, 2002 (Act 625) immediately before the coming into force of this Act are transferred to the Commission established under this Act.

(2) Proceedings taken by or against the Fisheries Commission established under the Fisheries Act, 2002 (Act 625) immediately before the coming into force of this Act may be continued by or against the Commission established under this Act.

(3) A contract subsisting between the Fisheries Commission established under the Fisheries Act, 2002 (Act 625) and any other person immediately before the coming into force of this Act shall subsist between that person and the Commission established under this Act.

(4) A person in the employment of the Fisheries Commission

established under the Fisheries Act, 2002 (Act 625) before the coming into force of this Act is, on the coming into force of this Act, deemed to have been duly employed by the Commission established under this Act on the terms and conditions which are not less favourable in aggregate to the terms and conditions attached to the post held by the person before the coming into force of this Act.

(5) The Commission shall, within two years after the coming into force of this Act, implement section 97.

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