



THE TWO HUNDRED AND NINETY-SIXTH

ACT

OF THE PARLIAMENT OF THE REPUBLIC
OF GHANA

ENTITLED

THE MINERALS (CONTROL OF SMUGGLING) (AMENDMENT) ACT, 1965

AN ACT to amend the Minerals Act, 1962 (Act 126).

DATE OF ASSENT: *3rd June, 1965*

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

The Minerals Act, 1962 (Act 126) is hereby amended by the insertion, immediately after section 9 thereof, of the following new section:—

"Exportation of minerals without lawful authority.

9A. (1) Without prejudice to his liability to be proceeded against under any other enactment, any person who, without lawful authority (proof of which shall be on him) exports any gold, diamond or such other precious metal or precious stone as may be prescribed by regulations made by the Minister under section 11 of this Act, shall be guilty of an offence and shall be liable on conviction, to imprisonment for a term not less than twenty-five years and any gold, diamond or other precious metal or precious stone in connection with which the offence is committed shall be liable to be forfeited by the court to the Republic.

Act 126 amended.

(2) Without prejudice to the general effect of subsection (1) of this section, where any enactment prescribes the holding of a licence or the obtaining of any authorisation or the payment of any duty in respect of any gold, diamond or any such precious metal or precious stone as is referred to in subsection (1) of this section, a person who exports any such gold, diamond, precious metal or precious stone otherwise than in accordance with the said enactment, shall, for the purposes of any prosecution under subsection (1) of this section, be deemed to export it without lawful authority.

(3) For the removal of doubts, it is hereby declared that section 297 of the Criminal Procedure Code, 1960 (Act 30) (which authorises the court in the case of certain offences, to impose a fine in addition to or in lieu of imprisonment) does not apply to an offence under subsection (1) of this section."