

P.N.D.C.L. 160

GHANA PORTS AND HARBOURS AUTHORITY ACT, 1986

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SCHEDULE

P.N.D.C.L. 160

GHANA PORTS AND HARBOURS AUTHORITY ACT, 1986

AN ACT in respect of ports and harbours and to provide for related matters.

PART ONE

Ports and the Authority

Declaration of Ports

1. Existing ports, harbours and new ports

(1) The ports within the limits specified in the Schedule are hereby declared to be ports for the purposes of this Act and any other enactment.

(2) The President may, by executive instrument, vary or extend the boundaries of a port specified in the Schedule, and of any other port declared under subsection (3).

(3) The President may, by executive instrument, declare that a port, roadstead, bay, place or an inland water shall be a port for the purposes of this Act and any other enactment, and may define the area of that port.

Establishment of Ports and Harbours Authority

2. The Ports and Harbours Authority

(1) There is hereby established a body corporate to be known as the Ports and Harbours Authority.

(2) The Authority shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

1. This Act was issued as the Ghana Ports and Harbours Authority Law, 1986 (P.N.D.C.L 160) made on the 26th day of June, 1986.

(3) The Authority may, for the performance of its functions, acquire and hold movable property, including electric motive power and immovable property, dispose of property and enter into a contract or any other transaction.

(4) Where there is an hindrance to the acquisition of property under subsection (3), the property may be acquired for the Authority under the State Property and Contracts Act, 1960 (C.A. 6) or the State Lands Act, 1962 (Act 125) or any other law.

(5) The President may give directions of a general nature to the Authority, and the Authority shall give effect to them.

3. The Board

(1) The governing body of an Authority is the Board consisting of

- (a) the chairman,
- (b) the Director-General of the Authority,
- (c) the two directors of the Ports of Tema and Takoradi,
- (d) one representative of the Ministry of Transport and Communications,
- (e) four representatives of port users, nominated by
 - (i) the Shippers' Council,
 - (ii) the Chamber of Commerce,
 - (iii) the Private Shipping Companies,
 - (iv) the managing director of the Railways Corporation, and

(if) two other persons, one of whom is an employee of the Authority.

(2) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

(3) The term of office of members of the Board, other than the Director-General and the two directors, shall be two years, and those members are eligible for re-appointment.

(4) A member of the Board shall be paid the allowances determined by the Minister.

(5) The chairman and any other member of the Board, other than the Director General and the two directors, may resign from office by writing addressed to the Minister, and a member may be removed from office by the President acting in accordance with the advice of the Minister.

4. Meetings of the Board

(1) The Board shall meet once a month, but may be summoned to transact a special business at the request of three members of the Board.

(2) The request shall be made to the chairman in writing with a summary of the business to be transacted at least five days before the date of the meeting.

(3) The chairman shall preside at meetings of the Board and, in the absence of the chairman, a member of the Board appointed by the members present from among themselves shall preside.

(4) The quorum for a meeting of the Board is six.

- (5) At a meeting of the Board, the chairman shall have a casting vot
- (6) Decisions at meetings of the Board shall be taken by a majority of the members present
- (7) The validity of the proceedings of the Board shall not be affected by a vacancy among its members or by a defect in the appointment of any of them.
- (8) A member of the Board who has an interest in a contract proposed to be made with the Authority shall disclose the nature of the interest to the Board and is disqualified from participating in the deliberations of the Board in respect of the contract.
- (9) Subject to this Act, the Board shall regulate its own procedure.

PART TWO

Administration

Functions of the Authority

5. Functions of the Authority

(1) The Authority shall plan, build, develop, manage, maintain, operate and control ports and in particular shall

- (a) provide in a port the facilities that are necessary for the efficient and proper operation of the ports;
- (b) maintain the port facilities and extend and enlarge the facilities as the Authority considers fit;
- (c) regulate the use of a port and of the port facilities;
- (d) maintain and deepen as necessary the approaches to and the navigable waters within and outside the limits of a port, and maintain lighthouses and beacons and any other navigational service and aids as appear to it to be necessary;
- ((e) provide facilities for the transport, storage, warehousing, loading, unloading and sorting of goods passing through a port, and operate road haulage services for hire or reward;
- (f) carrying on the business of stevedoring, master portorage and lighterage services; and
- (g) generally perform any other functions, which are necessary or incidental to its functions.

(2) Subject to this Act, the Authority shall carryon activities which it considers necessary for the performance of its functions under this section and it may in addition

- (a) carryon the business of pilotage;
- (b) supervise stevedoring, lighterage and container services, where these are provided by persons other than the Authority;
- (c) operate tugs, dredgers and other craft for towage, salvage, fire-prevention and protection of life;

- (d) supply water to shipping and generate and supply electricity;
- (e) license small ships to lie, ply for hire or otherwise be used within a port on the terms and conditions prescribed by the Authority;
- (f) control the erection and use of wharves, groynes, stairs or stages in a port or its approaches;
- (g) enter into an agreement with a person
 - (i) for the supply, construction, manufacture, maintenance or repair by that person of property which the Authority may require for the efficient performance of its functions under this Act; and
 - (ii) for the operation or provision of port facilities which the Authority by this Act, is empowered to operate or provide;
- (h) appoint, license and regulate stevedores, and master porters to operate in the container terminals;
- (i) establish pilotage districts, direct that pilotage is compulsory in a district, determine the pilots, including, Authority pilots to operate in the districts, license pilots for work in those districts and establish pilotage boards and specify their duties including the duty of inquiring into the conduct of pilots;
- (j) within the limits fixed by the Minister prescribe rates, charges and dues for services provided by the Authority or specify the persons liable to pay the rates, charges and dues prescribed under section 75.

Assets

6. Vesting of assets and transfer of liabilities

(1) The shares, debentures, securities, properties and other assets of the Ghana Ports Authority, the Ghana Cargo Handling Company Limited and the Takoradi Lighterage Company Limited in existence immediately before the coming into force of this Act shall vest in the Authority.

(2) The President may, by executive instrument, add the assets of any other port declared under subsection (3) of section 1 to the assets of the Authority.

(3) Despite anything to the contrary in this Act or in any other enactment, land which is included in the assets of the ports specified in the Schedule and is referred to in the Smelter Site Lease or the Port Agreement is not vested in the Authority; and the President or a person duly authorised in that behalf may enter into a lease in respect of that land with any other person.

(4) For the purposes of subsection (3), "Smelter Site Lease" and "Port Agreement" have the meanings assigned to those in the Volta River Project (Supplementary Provisions) Act, 1962 (Act 96).

7. Liability for contracts

Subject to section 2, a contract subsisting immediately before the commencement of this Act between the Ghana Cargo Handling Company Limited or the Takoradi Lighterage Company Limited and the Ports Authority and any other party, and entered into for the purposes of its functions in respect of the ports shall, on and after the commencement of this Act, continue to subsist between the Authority and that other party as if the Authority had entered into the contract.

Staff

8. Director-General and other members of staff

(1) There shall be a chief executive of the Authority to be known as the Director General.

(2) The Director-General shall be appointed by the President in accordance with article 195 of the Constitution, and is responsible for the direction of the day-to-day business of the authority and the control of its employees, and subject to the directions given by the Board, its administration and organisation.

(3) There shall be two directors-in-charge of the Ports of Tema and Takoradi who shall be appointed by the President in accordance with article 195 of the Constitution.

(4) The Authority shall designate an officer of the Authority as the secretary of the Authority, who shall perform the functions directed by the Board or the Director-General.

• (5) The Authority may engage the officers and any other employees as are necessary for the proper and efficient conduct of the business of the Authority and the performance of its functions on the terms and conditions determined by the Authority.

(6) Public officers may be transferred or seconded to the Authority.

9. Pensions

Subject to the Social Security Act, 1991/ the Board may, by legislative instrument, make Regulations in respect of pensions, gratuities or retiring allowances to its officers and other employees, and require them to contribute to a pension or provident fund or superannuation scheme.

10. Rules for conduct of port officers

The Authority may, by legislative instrument, make Rules for the guidance and conduct of port officers and other persons who are employed in the service of the Authority.

Finance

11. Funds

Funds of the Authority include

(a) moneys provided to the Authority by the Government representing the agreed budget amount,

(b) a loan granted to the Authority by the Government,

- (c) a loan granted to the Authority by a bank, or any other recognised financial institution,
- (d) the moneys accruing to the Authority by way of revenue,
- (e) the moneys accruing to the Authority as proceeds from investment, and
- (j) any other moneys as may be prescribed as moneys of a fund of the Authority by the Regulations.

12. Application of the funds

The funds of the Authority shall be applied in the payment of

- (a) the working, management, and establishment expenses of the Authority properly chargeable to income,
- (b) interest on or repayments of the principal of the moneys borrowed by the Authority, and
- (c) any other sums of money that the Authority may think proper to set aside for the reserve funds and for developments, renewals, depreciation and such like purposes.

13. Maintenance of foreign account

(1) The Authority shall, with the approval in writing of the Minister responsible for Finance, and subject to the relevant Bank of Ghana Regulations, maintain and keep a foreign exchange account into which a part of the revenue accruing to the Authority by way of foreign exchange may be paid.

(2) The application of the moneys in the foreign exchange account shall be used for the purchase and maintenance of the Authority's equipment with the approval of the Minister.

(3) The foreign exchange account of the Authority is subject to audit under section 15.

14. General reserve fund and investment of moneys

(1) The Authority shall carry to a general reserve fund a part of the receipts on revenue account that is available for the purpose until the fund reaches an amount prescribed by the Minister, and if the fund is subsequently reduced below that amount, the Authority shall carry to the fund any of its receipts that would be required to restore the fund to that amount and is available for the purpose.

(2) The application of the general reserve fund shall be determined by the Authority with approval of the Minister.

(3) The moneys comprised in the general reserve fund shall not be applied otherwise than for the purposes of the Authority.

(4) The amount of the general reserve fund shall be as prescribed by the Minister.

(5) The Authority may invest all or a portion of the moneys of the Authority in the manner approved by the Minister and with the prior approval of the Minister, re-invest any of its investments.

15. Accounts and audit

(1) The Authority shall keep proper books of account and proper records in relation to the accounts.

(2) The accounts, books and records of the Authority shall be in the form approved by the Auditor-General.

(3) The books and accounts of the Authority shall each year be audited by the Auditor General.

(4) The Authority shall pay in respect of the audit the fees agreed by the Auditor General and the Authority.

(5) The Board shall not later than three months after receipt of the report of the Auditor General, forward a copy of the report to the Minister.

(6) The Minister shall, as soon as practicable on receipt of the report lay before Parliament a copy of the Auditor-General's report together with the Minister's observations on the report.

16. Annual reports and periodical returns

(1) The Board shall, as soon as possible after the end of each financial year, submit to the Minister a report dealing with the activities of the Authority during the year.

(2) The Minister shall lay a copy of the annual report before Parliament.

(3) The Board shall furnish to the Minister the returns required by the Minister.

17. Borrowing powers

(1) Subject to article 181 of the Constitution, the Authority may, with the approval of the Minister responsible for Finance, borrow money for the purposes of the performance of its functions under this Act.

(2) The Authority may charge its assets, undertakings and revenues with the repayment of the money borrowed, together with interest on that money, and may do any other things necessary in connection with or incidental to the borrowing.

PART THREE

Powers of Entry

18. Minister's consent necessary for disposal of land

Despite anything to the contrary in this Act or in any other enactment, the Authority shall not, without the consent in writing of the Minister, dispose of land or any other immovable property.

19. Erection of beacons and making of surveys

(1) The Authority may, for the purposes of its functions under this Act

(a) enter on a land for the purpose of erecting or maintaining a beacon, or of examining, repairing altering or removing a beacon;

(b) erect and maintain beacons on or in a land or place or the shore, or bed or a tidal or any other water and alter or remove a beacon so erected; and

(c) survey and take levels of a land, and remove the trees and underwood which may interfere with the surveys.

(2) A beacon shall not be so placed on a road as to hinder or interfere with free passage on or along the road.

20 Entry and execution of other works

(1) A person authorised in that behalf by the Authority for the performance of its functions under this Act, may

- (a) enter, inspect and survey a land or any premises;
- (b) dig or bore into the sub-soil and open, construct or repair a road, sewer, drain, funnel or any other works relating to the ports;
- (c) specify levels, boundaries and lines by placing marks and digging trenches;
- (d) remove or cut the branches of a tree or underwood;
- (e) with the prior approval of the Minister, alter the course of a river, stream or water-course for the purpose of constructing and maintaining tunnels, bridges, passages or any other works over or under it;
- (f) stop, divert, widen, narrow or alter, temporarily or permanently, the course of a road, street, or way or raise or sink the level of any of them;
- (g) take, carry away and use the earth, stone, gravel, sand or timber or any other materials or things out of a land contiguous to a port, which may be necessary for making, maintaining, altering, repairing or using a port, and shall pay reasonable compensation;
- (h) sink wells, and construct dams and any other works necessary for providing a water supply;
- (i) take or cause to be taken water for the purposes of a port from a river, stream or any other natural source or from a dam or artificial works; and
- (j) carry out any other functions reasonably necessary for giving effect to this Act.

21. Removal of obstruction to visibility

A person authorised by the Authority may enter on a land and cut and remove the trees, underwood and vegetation which may interfere with the visibility of a lighthouse or beacon from any other point or place.

22. Notice of entry on land

The Authority shall, as far as practicable, give notice to the occupier of the land on which it is intended to enter in exercise of any of the powers conferred by section 19, 20 or 21.

23. Compensation for damage

(1) Where in the performance of a function under section 19, 20 or 21 damage is done to the property of a person, the Authority shall pay reasonable compensation for the damage.

(2) The amount of compensation payable under subsection (1) shall, in the case of a dispute, be settled by arbitration in accordance with the Arbitration Act, 1961 (Act 38).

PART FOUR

Regulation of Ports and Wharves

Ports

24. The Regulations

(1) The Authority may, with the prior approval of the Minister, by legislative instrument, make Regulations for the maintenance, control and management of a port and the maintenance of good order, in a port, and in particular for

- (a) regulating traffic within the limits of a port or the approaches to a port;
- (b) regulating the berths and stations to be occupied by ships and the removal of ships from one berth, station or anchorage to another berth, station or anchorage, and the time within which the removal shall be effected;
- (c) regulating ships whilst in or discharging ballast or cargo;
- (d) keeping free passages of the width that is considered necessary within a port and along or near to the piers, jetties, landing places, wharves, quays, docks, moorings and any other similar works in or adjoining the port, and for marking out the spaces to be kept free;
- (e) regulating the anchoring, fastening, mooring and unmooring and warping of ships and the use of warps, mooring buoys, chains and any other moorings;
- (f) regulating traffic, preventing obstruction and keeping order on piers, jetties and wharves and the cargo on them;
- (g) regulating the use of fires and lights, and signals to be used and measures to be taken in case of fire in a port by day and by night;
- (h) enforcing and regulating the use of navigating lights or signals and of signal lights by ships;
- (i) regulating the flags and signals to be used by ships arriving at, lying in or departing from a port;
- (j) regulating the manner in which ships arriving shall be boarded by the harbour master and the information to be supplied by the master of the ship to the harbour master;
- (k) regulating the use by ships of steam whistles, steam sirens and other like instruments;

- (l) prohibiting chipping, scaling or noisy repairs on ships except at the prescribed times or as the harbour master may appoint;
- (m) prohibiting or regulating the erection, maintenance and working of fishing stakes, prescribing the nature of the nets or stakes which may be used, and providing for the licensing of persons authorised to erect and maintain the stakes and prescribing the fees which shall be paid for the licence;
- (n) regulating the floating of timber, casks or any other objects in a port or the approaches to a port and the casting or depositing of a dead body, ballast, rubbish, or any other thing into a port, and providing for the forfeiture of anything found in a port or the approaches to a port in contravention of this Act, and for the redemption or payment of expenses and a penalty within a time limit to be fixed, or anything so forfeited;
- (o) prescribing the duties of masters of ships carrying gunpowder or any other explosive or dangerous cargo, and of persons engaged in or supervising the shipping, unshipping, landing and transport of that cargo;
- (p) regulating the placing and maintenance of moorings, buoys;
- (q) regulating and licensing, weighting and metering of goods;
- (r) regulating and licensing the porters and carriers and any other labourers employed in the working of port facilities.

(2) For the breach of a regulation made under this section the Authority may prescribe as penalty a fine not exceeding fifty penalty units and in the case of a continuing breach, a further fine not exceeding one hundred penalty units a day for every day after the first during which the breach continues.

25. Powers of ports operations officer

(1) The Authority shall have at each of its ports, a ports operations officer who may give directions for

- (a) regulating the time at which, and the manner in which, a ship shall enter into, go out of, or lie in or at a port and its position, anchoring, mooring or unmooring or placing whilst in the port,
- (b) regulating the time at which and the manner in which a ship shall move from one place to another within a port,
- (c) regulating the position and the manner in which a ship within a port shall take in or land its passengers or shall load or discharge its cargo or a part of the cargo, or shall take in or deliver ballast,
- (d) prohibiting the mooring of vessels in a particular part of a port, or
- (e) removing unserviceable ships, and any other obstructions from a port and keeping the port clear for navigation.

(2) Subsection (1) does not authorise a ports operations officer to do or cause to be done an act which is repugnant to or inconsistent with a law relating to customs and excise.

26. Limits of ports operations officer's jurisdiction

The jurisdiction of the ports operations officer for the purposes of this Act extends to the water area of the port and sea within a distance of four hundred metres from the seaward limits of the port.

27. Restrictions on moving ship

(1) Subject to subsection (2), a person shall not move or attempt to move or cause a ship to be moved from a berth or place in a port contrary to the directions of the ports operations officer, in the case of a ship exceeding seventy-five feet in length, without the permission of the ports operations officer.

(2) Subsection (1) does not apply in a case of emergency not covered by existing directions when it is not practicable to obtain the further directions of the ports operations officer.

(3) A person who fails to comply with the directions of a ports operations officer given under subsection (1) or fails to obtain the permission of a ports operations officer as required by that subsection, commits an offence and is liable on summary conviction to a fine not exceeding seven hundred and fifty penalty units or to a term of imprisonment not exceeding three years or to both the fine and the imprisonment.

28. Penalty for not complying with directions

The master of a ship, within a port or within four hundred metres from the seaward limits of a port, who fails to comply with a direction of the ports operations officer after notice of the direction has been given to the master, commits an offence and is liable to a fine not exceeding one hundred thousand United States dollars or its equivalent in cedis.

29. Removal of vessels or slackening of ropes

(1) Where the master of a ship within a port does not anchor, weigh anchor, moor, unmoor, place or move the ship in compliance with the directions of the ports operations officer, the ports operations officer

(a) may take the reasonable action necessary for securing compliance with the directions, and

(b) may employ a sufficient number of persons for that purpose,

and the expenses incurred shall be paid by the master to the Authority and is recoverable by the Authority from the master, and if necessary by civil action.

(2) A ports operations officer may,

(a) if the master of a ship moored or fastened within a port or any other person on board the ship fails to comply with a direction given by the ports operations officer to unloose or slacken a rope or chain by which the ship is moored or fastened, or

(b) if a person is, or a sufficient number of persons are not, on board the ship,

unloose or slacken the rope or chain by which the ship is moored or fastened and cause, if necessary, a sufficient number of persons to be put on board the ship for the protection of the ship, and the expenses incurred shall be paid by the master to the Authority and is recoverable by the Authority from the master, and if necessary by civil action.

Wharves

30. Customs area

Where a part of the wharves or premises vested in or in the possession of the Authority is or are appointed a customs area for the purposes of the relevant customs and excise legislation, the Authority shall provide office accommodation in the manner that the Commissioner of the Customs, Excise and Preventive Service may require for the use of the persons entitled to collect duties of customs, and the accommodation shall be maintained by the Commissioner.

31. Rules

(1) The Authority may, by executive instrument, and with the prior approval of the Minister, make Rules for the control and management of, and the maintenance of good order in, the wharves and premises vested in or in the possession of the Authority, and in particular, may make Rules for

- (a) regulating, declaring and defining the wharves, docks, piers and places vested in, or in the possession of, the Authority on, and from which goods shall be landed or shipped;
- (b) regulating the manner in which, and the conditions under which, the loading or discharging of ships shall be carried out;
- (c) regulating the use of the sheds and warehouses vested in, or in the possession of, the Authority;
- (d) excluding or removing from the premises of the Authority idle and disorderly or other undesirable persons or trespassers;
- (e) regulating the conduct of persons employed on wharves and premises vested in, or in the possession of, the Authority;
- (f) regulating the ferry services maintained by the Authority; or
- (g) managing lighthouses of the Authority.

(2) For the breach of a rule made under subsection (1) the Authority may prescribe as penalty a fine not exceeding seven hundred and fifty penalty units and, where the breach is a continuing breach, a further fine not exceeding one hundred penalty units for every day after the first day during which the breach continues.

(3) A copy of the Rules shall be kept at the office of the Authority in the port and the Authority shall allow free inspection of the Rules at a reasonable time.

PART FIVE *Pilotage*

Districts and Boards

32. Pilot districts

(1) The Minister may, with the prior approval of the President, by legislative instrument, establish a pilotage district in a port, the approaches to a port or in the territorial waters.

(2) An instrument made under subsection (1) may

- (a) provide that in a pilotage district, or in a part of a pilotage district, pilotage shall be compulsory, and
- (b) define the limits of a pilotage district, and where pilotage is compulsory in a part of the district, designate the part of the district in which pilotage is compulsory.

33. Obligations where pilotage compulsory

(1) Unless otherwise exempted under subsection (2), a ship while navigating in a pilotage district in which pilotage is compulsory for the purpose of entering, leaving or making use of the port in the district shall be under the pilotage of

- (a) an Authority pilot, or
- (b) a licensed pilot of the district.

(2) The following are hereby exempted from subsection (1),

- (a) ships belonging to the Republic,
- (b) ships owned or operated by the Authority,
- (c) pleasure yachts,
- (d) ships not exceeding ten tons gross tonnage,
- (e) tugs, dredgers, barges, or similar vessels whose ordinary course of navigation does not extend beyond the limits of a port, and (if)

ships exempted from compulsory pilotage under section 45.

(3) Except as otherwise provided by the Rules made under section 45, a ship while being moved within a port which is or forms part of a pilotage district shall be deemed to be a ship navigating in a pilotage district.

34. Power of Authority in relation to pilots

Subject to this Part, the Authority may license pilots for a pilotage and may do any other thing in relation to the pilots that is necessary or expedient for the performance of the Authority's functions under this Part.

35. Pilotage boards

The Authority may, by executive instrument, establish a pilotage board for a pilotage district, and in a pilotage district in which or in a part of which pilotage is compulsory, the Authority shall establish a pilotage board for that district.

36. Membership of pilotage boards

(1) A pilotage board shall consist of

- (a) the harbour master of the port as the chairman of the board, and
- (b) not less than two and not more than four other persons appointed by the Authority with the approval of the Minister.

(2) A member of a pilotage board, other than the harbour master, may be appointed for a period not exceeding three years and may be re-appointed.

(3) A member of a pilotage board, other than the harbour master, may resign from office by writing signed personally by the member addressed to the Authority.

37. Duties of pilotage boards

A pilotage board shall

- (a) hold inquiries concerning the conduct of pilots in the discharge of their duties in the pilotage district;
- (b) license pilots for the pilotage district on behalf of the Authority;
- (c) hold examinations in connection with the licensing of pilots for the pilotage districts.

38. Meeting of pilotage boards

(1) A pilotage board shall meet for the dispatch of business at the time and place appointed by the chairman.

(2) Three members of a pilotage board shall form a quorum.

(3) The chairman shall preside at meetings of the pilotage board and, in the absence of the chairman, the members present shall appoint one of their number to preside.

(4) Decisions at a meeting of a pilotage board shall be taken by a majority of votes of the members present.

(5) The chairman, or the member presiding at a meeting shall have a vote and, in the case of an equality of votes, a second vote.

(6) Minutes of the proceedings of a pilotage board shall be regularly entered in a book to be kept for that purpose and shall, after approval, be signed at the next meeting by the chairman, or by the member who presided at that meeting.

Inquiries

39. Inquiries into misconduct of a pilot

A pilotage board may, or shall when directed by the Minister, hold an inquiry into the conduct of a pilot against whom an allegation of misconduct is made or a pilot in charge of a ship which

- (a) touches the ground,
- (b) runs foul of a ship, or
- (c) runs foul of a wharf, buoy, mole or beacon.

40. Evidence

A pilotage board holding an inquiry under section 39 may summon witnesses and examine witnesses on oath and may call for the production of documents.

41. Misconduct of a witness

(1) Where a person summoned as a witness before a pilotage board

- (a) fails to attend,
- (b) refuses to take an oath when required to do so by the pilotage board during an inquiry,
- (c) refuses to produce a document in that person's power or control lawfully required by the pilotage board during an inquiry,
- (d) refuses to answer a question to which a pilotage board lawfully requires an answer, or
- (e) during an inquiry is, in the opinion of the pilotage board guilty of contempt of the board,

the chairman of the pilotage board may make a written complaint concerning the conduct of that person to the High Court which has power to punish persons if guilty of like conduct in that Court.

(2) The High Court to which an application is made under subsection (1) shall inquire into the alleged conduct and

- (a) after examination of the witnesses who are produced for or against the person complained against, and
- (b) after hearing the statement offered in defence,

may punish the person complained against, as if that person had been guilty of that conduct in the High Court.

42. Punishment by pilotage board

(1) Where a pilotage board after due inquiry in accordance with this Part that a pilot

- (a) is guilty of misconduct affecting the pilot's capability as a pilot, or
- (b) has failed in or neglected a duty as a pilot, or
- (c) has become incompetent to act as a pilot,

the pilotage board may, with respect to paragraph (a) or paragraph (b) of this subsection, impose a fine not exceeding two hundred penalty units or reprimand the pilot, and whether in addition to the fine or reprimand or not

- (d) suspend the pilot from duty until a time that the Authority confirms the suspension, or
- (e) revoke the pilot's licence or permit the pilot under paragraph (b) of subsection(1) of section 43 to resume duties as a pilot in the pilotage district.

(2) Where a pilot is suspended from duty by a pilotage board under subsection (1), the board shall make recommendations to the Authority concerning the continued discharge of duties by the pilot in the pilotage district, which the board considers appropriate in the circumstances of the particular case.

(3) Copies of the record of an inquiry shall be supplied by the pilotage board to the Minister and to the pilot.

43. Revocation of pilot's licence

(1) The Board shall consider the recommendations made by a pilotage board concerning a pilot who has been suspended by a pilotage board under section 42, and having considered the recommendations and the record of the inquiry may

- (a) suspend or revoke the pilot's licence, or
- (b) inform the pilot and the pilotage board that the pilot may resume duties as a pilot in the pilotage district.

(2) The licence of a pilot shall be suspended or revoked under subsection (1), and the Authority shall take any other action in relation to a pilot as a result of a recommendation made by a pilotage board unless

- (a) in the case of an Authority pilot or a licensed pilot, the pilot has lodged an appeal with the Minister within the time prescribed by section 44,
- (b) in the case of an Authority pilot, the pilot has informed the Authority in writing of the intention to exercise the right of appeal, or
- (c) an appeal has been lodged with and determined by the Minister in accordance with section 44.

44. Appeal to the Minister

(1) A pilot aggrieved by a decision or recommendation of a pilotage board may, within thirty days from the date of the decision or recommendation, appeal to the Minister.

(2) The Minister, after considering the appeal, may

- (a) confirm or reverse the finding of the board,
- (b) subject to section 42, alter the nature of the punishment, or
- (c) in the case of a recommendation to the Authority under subsection (2) of section 42, support, comment on or reject the recommendation.³

Rules for Pilotage Districts

45. Regulations for pilotage districts

Subject to this Part, the Authority may, by legislative instrument, make Rules for a pilotage district for

- (a) exempting a class of ship from compulsory pilotage;
- (b) prescribing the occasions on which a ship being moved within a port which forms part of a pilotage district shall not be deemed to be navigating in the port;
- (c) providing that in respect of a class of ship prescribed in the Rules only the pilots of the Authority shall undertake pilotage;
- (d) determining the qualifications to be required of licensed pilots;

3. The provision that "the decision of the Minister shall be final" has been omitted as offending clause (3) of article 125

- (e) providing for a code of conduct for pilots licensed by the Authority;
- (f) prescribing the fees payable on the grant or renewal of a licence;
- (g) providing for bonds the penalty for which shall not exceed one hundred thousand cedis being given by pilots for the purpose of the provisions of section 47 limiting a pilot's liability; and
- (h) generally regulating a pilotage district.

46. Liability of the master or owner

The master or owner of a ship navigating in circumstances in which pilotage is compulsory is answerable for the loss or damage caused by the ship or by a fault of the navigation of the ship in the manner in which the master or owner would if pilotage were not compulsory.

47. Limitation of pilot's liability

(1) A pilot who has given a bond under the Rules made under this Part is not liable for neglect or want of skill beyond the penalty of the bond and the amount payable to the pilot on account of pilotage in respect of the voyage in which the pilot was engaged when the pilot became so liable.

(2) A bond given by a pilot in accordance with the Regulations or the Rules is not liable to stamp duty.

(3) Where proceedings are taken against a pilot for neglect or want of skill in respect of which the liability is limited as provided by this section, and other claims are made in respect of the same neglect or want of skill, the Court in which the proceedings are taken may

- (a) determine the amount of the pilot's liability and on payment by the pilot of that amount into court, may distribute that amount proportionately among the several claimants;
- (b) stay proceedings pending in any other Court in relation to the same matter.

PART SIX

Dues and Rates

Wharfage Dues

48. Port dues

Subject to this Part, the Authority may levy on a ship entering or leaving a port the port dues prescribed by the Authority in respect of the passenger, animals or cargo carried in that ship.

49. Information of arrival

The master of a ship arriving in a port shall produce to the Authority

- (a) the ship's register and the ship's papers,

- (b) a list of the inward passengers and animals, the name of the consignee of the cargo intended to be unshipped, and either
- (c) a copy of the bill of lading or manifest of the cargo if the whole cargo is intended to be unshipped, or
- (d) the account in writing of the kind, weight and quantity of the cargo intended to be unshipped, if part only of the cargo is intended to be unshipped, and shall supply any other information in relation to the ship, passengers, animals and cargo as may be prescribed.

50. Information on proceeding outwards

(1) When applying for the clearance of the ship outwards from a port, the master shall produce to the Authority

- (a) a list of the outward passengers and animals, and
- (b) an account in writing of the kind, quantity and weight of the cargo shipped on board in the port,

and shall supply to the Authority any other information in relation to the ship, passengers, animals or cargo as may be prescribed.

(2) The particulars required under subsection (1) shall be delivered in the prescribed form to the Authority.

51. Payment of port dues

(1) Port dues payable in respect of passengers, animals and cargo inwards shall be paid at the time of the report of the ship inwards.

(2) Port dues payable in respect of passengers, animals and cargo outwards shall be paid at the time of the report of the ship outwards.

52. Liability for payment of port dues

The persons liable to pay ports dues are,

- (a) the master or owner of the ship,
- (b) in the case of port dues payable in respect of passengers, animals or cargo inwards, the consignor or agent of the ship who is liable to pay a charge on account of the ship in the port of arrival or discharge, and
- (c) in the case of port dues payable in respect of passengers, animals or cargo outwards, the consignee or agent of the ship who is liable to pay a charge on account of the ship in the port of departure.

53. Retention of port dues out of owner's moneys

Where port dues are paid by a person who is not the owner or master of the ship under paragraph (b) or paragraph (c) of section 52, that person may retain out of the moneys received on account of the ship or the owners, the amount of the port dues paid by that person together with the reasonable expenses or liability.

Ship's Dues

54. Ship's dues

Subject to this Part, the Authority may levy on a ship, as prescribed by the Authority,

- (a) in relation to a port, the ships' dues by way of buoyage, anchorage, mooring buoy, berthing or any other ships' dues; and
- (b) in relation to a pilotage district, the ships' dues by way of pilotage dues.

55. Liability to pay ships' dues

(1) The persons liable to pay ships' dues levied on a ship under paragraph (a) of section 54 are

- (a) the master or owner, and
- (b) the consignee or agent who is liable to pay the dues on account of the ship in the port of arrival or discharge.

(2) The persons liable to pay ships' dues levied on a ship under paragraph (b) of section 54 are

- (a) the master or owner,
- (b) as to pilotage inwards, the consignee or agent who has paid or has become personally liable to pay the dues on account of the ship in the port of arrival or discharge, and
- (c) as to pilotage outwards, the consignee or agent who has paid or has become personally liable to pay the dues on account of the ship in the port of departure.

56. Retention of ships' dues out of owners' moneys

Where a ship's dues are paid by a person who is not the master or owner of the ship, and who is liable under paragraph (b) of subsection (1) of section 55 or paragraph (c) of subsection (2) of section 55, that person may retain, out of the moneys received on account of the ship or the owner, the amount of the dues paid by that person together with the reasonable expenses incurred by reason of the payment or liability.

Levy of Rates

57. Rates

The Authority may determine and charge, subject to this Act, reasonable rates for the use of the tugs, launches, lighters, sheds, buildings, yards, weighing machines, moorings, cranes, mooring buoys or any other equipment, works and conveniences which belong to, or are provided by the Authority for the supply of water, electricity and in respect of any other service provided by the Authority at a port.

58. Authority's lien for certain rates

(1) For the recovery of the rates payable under this Act in respect of goods, the Authority shall have a lien on the goods and is entitled to seize and detain the goods until the rates are fully paid.

(2) Rates in respect of goods to be landed become payable immediately on the landing of the goods.

(3) Rates in respect of goods to be removed from premises of the Authority, or to be shipped, are payable before the goods are removed or shipped.

(4) The lien for the rates have priority over any other liens and claims except claims for money payable to the Republic.

59. Lien for freight

(1) Where goods are landed or intended to be landed at a wharf or any other premises of the Authority, and the master or owner of a ship, or the agent, or the person for whom the goods are landed, gives notice in writing at or before the time of landing from the ship that the goods are to remain subject to a lien for freight, primage or general average or charges, the goods shall continue to be liable to the same lien for the charges that they were subject to before the landing of the goods.

(2) The Authority shall retain the goods at the risk and expense of the owner of the goods until the lien is discharged under section 60 or the goods are disposed of under section 61.

60. Discharge of lien

On production to the Authority of a document purporting to be a receipt for the amount claimed as due, or a release for the amount of a lien to which goods are liable under section 59 from the person by whom or on whose behalf the notice has been given, the Authority may permit the goods to be removed without regard to the lien, if it has used reasonable care with respect to the authenticity of the document.

61. Sale by Authority

(1) Subject to subsection (2),

(a) where the rates payable to the Authority in respect of goods are not paid, or

(b) where the lien for freight, primage, general average or charges, when the notice has been given, is not discharged,

the Authority may, if required by or on behalf of the person claiming the lien for freight primage, general average or charges

(c) at the expiration of sixty days from the time when the goods were placed in its custody, or

(d) if the goods are of a perishable nature at an earlier period which is not less than twenty-four hours after the landing of the goods, as it thinks fit,

sell by public auction the goods or a portion of the goods necessary to satisfy the expenses, rates and any other claims to be paid out of the proceeds of the sale.

(2) Where the goods have not been entered for customs purposes they shall be removed to the Government warehouse to be kept under customs control and shall be dealt with under the relevant customs and excise legislation.

(3) A notice of the sale shall be published in the *Gazette* for a period of ten days before the sale, unless the goods are of a perishable nature which, in the opinion of the Authority, may render their immediate sale necessary or advisable, and accordingly the notice shall be given as the urgency of the case admits.

(4) Where the address of the owner of the goods or the agent

(a) has been stated on the manifest of the cargo or in any of the documents which have been received by the Authority, or

(b) is otherwise known,

and the address is within the Republic, notice shall be given to the owner of the goods by letter delivered at that address or sent by post, but the title of a bona fide purchaser shall not be invalidated by reason of the omission to send the notice, nor shall that purchaser be bound to inquire whether the notice has been given.

62. Application of proceeds of a sale

(1) The proceeds of a sale under section 61 shall be applied

(a) firstly, in payment of the expenses of the sale;

(b) secondly, in payment of the rates and expenses due to the Authority, in respect of the goods; and

(c) lastly, in payment of the freight and other claims or lien of which a notice has been given under section 62;

and the surplus shall be paid to the owner of the goods on demand.

(2) Where a demand is not made within one year from the date of the sale of the goods, the surplus shall be paid to the general account of the Authority, and the rights of the owner to the surplus shall be extinguished.

General Provisions as to Dues and Rates

63. Entry to ascertain dues

The Authority may, along or with any other person, enter a ship within the limits of a port, in order to ascertain the dues or rates payable in respect of that ship.

64. Weighing and measuring of goods in event of dispute

Where a difference arises between the Authority and the master of a ship or the owner of the goods, concerning the weight or quantities of the goods in respect of which port dues or rates are payable, the Authority shall cause the goods to be weighed and measured and may, if necessary, detain the ship containing the goods until the goods have been weighed or measured.

65. Payment of expenses of weighing and measuring

(1) Where the weight or measurement of the goods is more than that shown by the particulars delivered by the master in accordance with section 49 or section 50, the expenses of the weighting or measuring shall be paid to the Authority by the master of the ship, and are recoverable in the same manner as dues payable under this Part.

(2) Where the weight or quantity of the goods is the same as or less than that shown by the particulars so delivered, the Authority shall pay the expenses of the weighing or measuring and of the unreasonable delay of the ship.

66. Distress for non-payment of dues and rates

(1) Where the master of a ship in respect of which dues or rates are payable refuses or neglects to pay the dues or rates on demand, the Authority may detain or arrest the ship and the tackle, apparel or furniture of the ship and may detain the ship until the amount due is paid.

(2) If for a period of fourteen days following the detaining or arrest

(a) the dues or rates, or

(b) any of the expenses of detaining or arrest or the detention of the ship, tackle, apparel or furniture,

remain unpaid the Authority may cause the ship or any other things detained or arrested to be sold.

(3) The Authority may, out of the proceeds of the sale, retain the amount of dues, rates or costs owed and shall deliver the balance to the master of the ship on demand.

67. Clearance to be withheld until dues or rates are paid

(1) Where the authority has given notice to the proper officer of the Customs, Excise and Preventive Service stating that an amount specified in the notice is due in respect of dues or rates payable under this Act against a ship, or the master or owner of the ship, the proper officer shall not give a discharge or clearance outwards until

(a) the amount of the dues or rates has been paid, or

(b) security has been given to the satisfaction of the Authority for the payment of the dues or rates.

(2) For the purposes of this section, "proper officer" means the officer whose duty it is to grant clearance from the port outwards of the ship in respect of which the notice is given.

68. Recovery of dues, rates

Despite sections 58 to 67 the Authority may recover by civil action the dues, rates, expenses, costs or, in the case of sale, the balance due when the proceeds of sale are insufficient.

69. Port rates on passengers, goods and shed rates

Where goods remain on or in a wharf, shed or any other work or place of the Authority for more than twenty-four hours after the time when the goods are left there, the Authority may charge in respect of the goods, quay and shed rates not exceeding the appropriate amount prescribed by the Authority under section 75.

70. Unclassified goods

The goods not specified in the Regulations made under section 75 shall for the purposes of the payment of port rates on goods and quay and shed rates, be classified by the Authority under the same head as goods specified in the Regulations to which, in the opinion of the Authority, they are most similar in matter, value and quality and the rate for the time being for the specified goods shall accordingly be charged by the Authority in respect of the goods not specified in the Regulations.

71. Variation of dues and rates

(1) The Authority may vary the dues or rates which it is authorised to charge in the manner that it considers expedient.

(2) The dues or rates varied under subsection (1) shall not exceed the appropriate amount specified in the Regulations made under section 75.

(3) Dues and rates shall be charged equally in respect of the same description of ship and the same description of goods.

72. Compounding for rates on goods

(1) The Authority may compound, for the period and on the terms including the basis of calculation, that the Authority thinks fit, with a person liable to pay rates on goods with respect to the payment of the rates.

(2) The Authority shall, if so required by a person liable to pay rates on goods imported or exported in like circumstances from or to the same place, compound with that person for the payment of the rates within the same period and on the same terms as may be prescribed under subsection (1).

73. Shippers to give account of goods

(1) A person intending to load goods on board a ship within a port shall give to the collectors a true account of the kind, quantity and weight of the goods intended to be loaded.

(2) A person who fails to comply with subsection (1) or who knowingly or recklessly gives a false account commits an offence and is liable on summary conviction to a fine not exceeding seven hundred and fifty penalty units or to a term of imprisonment for three years imprisonment or to both the fine and the imprisonment.

74. Removal of goods to warehouse

(1) Where goods which have been landed have, without default on the part of the Authority, been left for five clear days, on or in a wharf or place belonging to or occupied by the Authority, the Authority may cause the goods to be removed to a warehouse or any other place belonging to or occupied by it, or to any other warehouse.

(2) The removal to and detention in that warehouse of the goods shall be at the risk and expense of the owner of the goods.

(3) Where the goods are removed the Authority shall give notice of the removal to the consignee of the goods or the agent, if the address of either is known, by letter sent by post to that address or left at that address.

75. Regulations for levy of dues and rates

(1) Subject to this Part, the Authority may, with the prior approval of the Minister, by legislative instrument, make Regulations

(a) for the levying and payment of dues and rates in convertible currency or cedis for the purposes of sections 5 (2) (j), 48, 54 and 57;

- (b) prescribing the conditions on which work or services in respect of which a rate is levied will be performed or provided by the Authority;
- (c) prescribing the officer of the Authority to whom, returns or information required under this Part shall be delivered and the place of the delivery and the time within which it shall be made;
- (d) prescribing the officer of the Authority to whom dues or rates shall be paid, the place of payment and the time within which payment shall be made;
- (e) providing for the exemption of a ship, or class of ships, passengers, animals or goods from a provision of the Regulations;
- (j) generally for giving effect to this Part.

(2) The Regulations may

- (a) prescribe different dues or rates for different ports;
- (b) prescribe different dues or rates for different classes of ships, passengers, animals or goods;
- (c) provide that the Authority may enter into a special agreement in respect of a matter referred to in section 57 instead of charging the rate in accordance with the rate prescribed by the Regulations.

(3) Port dues and stevedoring charges shall be paid in convertible currency except that Ghanaian registered ships may pay in cedis.

76. Free access to copies of regulations on dues and rates

The Authority shall keep at the office of the Authority in each port a book specifying the dues and rates in force and shall allow free inspection of the book at a reasonable time.

77. Exemptions

This Part does not apply to

- (a) a ship belonging to the Republic, or
- (b) a ship belonging to a foreign government.

78. Application to Government goods

This Part applies to goods which are the property of the Government.

PART SEVEN

Liability of the Authority as a Carrier of Passengers

79. Liability of Authority for loss of life or injury

(1) The Authority is not liable for the loss of life of, or personal injury to, a passenger, except where the loss of life, or personal injury is caused by want of ordinary care, diligence or skill on the part of the Authority or any of its employees.

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Ghana Ports and Harbours Authority Act, 1986

(2) The Authority is not liable for the loss of life of, or personal injury to, a passenger

(a) who is travelling by special permission, whether verbal or written, in a part of a ship, vehicle or train other than a part normally provided for the use of passengers,

(b) who is travelling on a free pass, or

(c) who at the time the loss of life or injury occurred was being carried by a transport service other than one provided by the Authority or under control of the Authority.

(3) Except as otherwise provided in subsection (4), the Authority is not liable for the loss of life or personal injury, which occurs to a passenger during carriage by ship arising from

(a) an act of God,

(b) an act of war or an enemy of the Republic, or

(c) fire, or accident on the seas, inland waters, or navigation, irrespective of the nature or kind and the cause.

(4) Subject to a condition expressed in the contract of carriage, the Authority is liable for the loss of life or personal injury which occurs during the carriage by ship to the extent to which it would have been liable under the Ghana Shipping Act, 2003 (Act 645) if the ship were registered under that Act and the Authority were the owner of that ship and not to a greater extent.

(5) Where the Authority disclaims liability under subsection (4), the burden of proving that the loss of life or injury occurred during the carriage by ship lies on the Authority.

(6) For the purposes of this section, "passenger" includes a person, other than an employee of the Authority on duty, lawfully travelling on a ship, vehicle or train owned or operated by the Authority.

80. Delay to passengers

The Authority is not liable for a loss arising from the delay to a passenger caused by

(a) the failure of a ship, vehicle or train to start on a journey, or

(b) the late starting or late arrival of a ship, vehicle or train.

81. Liability for loss or damage to goods

(1) Subject to this Act, the Authority is not liable for the loss or damage to goods carried by the Authority solely by ship or partly by train or vehicle and partly by ship and arising from

(a) an act of God,

(b) an act of war or of an enemy of the Republic,

(c) fire, or accident from machinery, boilers or steam, or

(d) a peril or an accident on the seas, inland waters or navigation, irrespective of the nature or kind and the cause.

(2) Subject to an enactment relating to the carriage of goods by sea and to the conditions expressed in the contract of carriage, the Authority is liable for the loss or damage which occurs during the carriage by ship to the extent to which it could have been liable under the Ghana Shipping Act, 2003 (Act 645) if the ship were registered under that Act and the Authority were the owner of that ship and not to a greater extent.

(3) Where the Authority disclaims liability under subsection (2), the burden of proving that the loss or damage occurred during the carriage by ship lies on the Authority.

82. Liability for delay of goods

(1) Subject to subsection (2), the Authority is not liable for a loss arising from delay to, detention of, or deviation in, the carriage of goods unless the delay, detention or deviation is caused by want of reasonable foresight and care on the part of the Authority or of an employee of the Authority.

(2) The Authority is not liable for a loss arising from delay to, detention of, or deviation in, the carriage of goods

- (a) where there has been fraud on the part of the consignor,
- (b) unless a document acknowledging the receipt of the goods for carriage by the Authority has been given,
- (c) which at the time when the delay, detention or deviation occurred were being carried by a transport service other than one provided by the Authority,
- (d) where there is a loss in a particular market whether held daily or at intervals, or
- (e) Where the delay, detention or deviation arises from
 - (i) insufficient or improper packing, or
 - (ii) riots, civil commotion, strikes, lockouts, stoppage or restraint of labour irrespective of the cause, whether partial or general.

83. Limitation of liability for loss of animals

(1) The liability of the Authority in respect of an animal shall not exceed,

- (a) in the case of a horse, ten thousand cedis;
- (b) in the case of cattle, five thousand cedis;
- (c) in the case of any other animal, one thousand cedis;

unless at the time of acceptance of the animal by the Authority for the carriage the consignor or the agent declared that the value of the animal exceeded the appropriate amount and paid, or agreed to the additional charge that may be prescribed in respect of the excess value, and the liability of the Authority shall not exceed the declared value.

(2) In proceedings against the Authority for the recovery of the sum of money in respect of an animal, the burden of proving the value of the animal and the extent of the injury where the animal has been injured lies on the claimant.

(3) The Authority may, with the prior approval of the Minister by legislative instrument vary paragraphs (a), (b) and (c) of subsection (1).

84. Further provision relating to the liability for loss of goods

(1) Subject to this Act or a contract, the Authority is not liable for the loss, misdelivery or detention of, or damage to, or deterioration of, goods

(a) delivered to, or in the custody of, the Authority otherwise than for the purpose of carriage;

(b) accepted by the Authority for carriage, where the loss, misdelivery, detention or damage occurs otherwise than when the goods are in transit; except where the loss, misdelivery, detention or damage is caused by want of reasonable foresight and care on the part of the Authority or an employee of the Authority.

(2) The Authority is not liable for the loss, misdelivery, detention or damage or deterioration arising from

(a) seizure under a legal process;

(b) an act or order of the Government;

(c) an act or omission of the consignor, consignees, or depositor, or of the servant or agent of that person;

(d) fire, flood, tempest, riots, civil commotion, strikes, lockouts, stoppage or restraint of labour irrespective of the cause, whether partial, or general;

(e) inherent liability to wastage in bulk or weight, latent or inherent defect, vice or natural deterioration;

(f) deficiency in the contents of unbroken packages;

(g) insufficient or improper packing or leakage from defective drums, containers or packages.

(3) Subsections (1) and (2) apply to a master porter licensed by the Authority under paragraph (h) of subsection (2) of section 5 to the extent that they would apply if the Authority were handling or were in control of the goods at a port.

85. Liability in connection with pilotage

(1) The liability of the Authority in relation to its duties in connection with pilotage under Part Five and the Rules made under that Part is limited where without its actual fault or privity, loss or damage is caused to a ship or to a merchandise or any other things on board a ship or to any other property or rights whether on land or on water or whether fixed or movable to the amount of ten thousand cedis multiplied by the number of Authority and licensed pilots entitled to pilot ships in the pilotage district where the loss or damage occurred on the date when the loss or damage occurred.

(2) This section shall not be construed to impose a liability on the Authority for a loss or damage under subsection (1) where a liability would not have existed but for this section.

86. Limitation of liability for several claims

The limitation of liability under section 85

(a) shall relate to the whole of the loss or damage which may arise on a distinct occasion, although the loss or damage may be sustained by more than one person, and

(b) shall apply whether the liability arises at common law or under an enactment and despite anything contained in the enactment.

87. Consolidation of claims

Where liability is alleged to have been incurred by the Authority in respect of a loss or damage to which section 85 applies, and several claims are made in respect of that liability, the Authority may apply to the Court which may

- (a) determine the amount of the liability of the Authority, and distribute that amount proportionately among the several claimants;
- (b) stay the proceedings pending in any other Court in relation to the same matter; or
- (c) proceed in the manner and subject to the directions that the Court thinks fit
 - (i) to make persons interested parties to the proceedings;
 - (ii) to exclude a claimant; and
 - (iii) to require security from the Authority and for the payment of costs.

88. Sections 85, 86 and 87 inapplicable in certain cases

Where the Authority is entitled to limit its liability as the owner of a ship, sections 85, 86 and 87 shall not apply to the loss or damage, the liability for which can be so limited by the Authority.

89. Liability in respect of licensing pilots

(1) The grant or renewal of a licence to a pilot by the Authority under the powers conferred by this Act does not impose a liability on the Authority for a loss occasioned by an act or a default of the pilot.

(2) The Authority is not liable for a loss occasioned by an act or a default of an Authority pilot.

Miscellaneous

90. Exclusion of liability for dangerous goods

The Authority is not liable to a person for the loss, damage, costs or expenses incurred by that person which occur as a result of the loading, discharging, handling or transport of dangerous goods within a port.

91. Removal of goods from a port

(1) A person shall not remove goods from a port unless that person has first obtained a waybill in a form approved by the Authority authorising the removal of the goods.

(2) A person removing goods from a port under the authority of a waybill shall before leaving the port, supply a copy of the waybill to the police officer on duty for the purpose of checking the removal of the goods.

(3) A police officer or any other authorised person may

- (a) detain a person attempting to remove goods from a port without having the possession of a waybill authorising the removal of the goods for a reasonable time that may be necessary to investigate the circumstances in which the goods are being removed;

(b) detain goods which are being removed from a port without authority and, in the case of goods being removed in or on a vehicle, shall remove the goods from the vehicle.

(4) A person who fails to comply with this section commits an offence and is liable on summary conviction to a fine not exceeding seven hundred and fifty penalty units or to a term of imprisonment not exceeding three years or to both the fine and the imprisonment.

Legal Proceedings

92. Limitation of suits against Authority

(1) A civil action against the Authority or an employee of the Authority for an act done in pursuance or execution, or intended pursuance or execution of an enactment, duty or authority shall abate unless it is commenced within twelve months after the act, neglect, or default complained of, or where the injury or damage continues, within twelve months after it ceases.

(2) A civil suit shall not be commenced against the Authority until one month at least after written notice of the intention to commence the action has been served on the Authority by the intending plaintiff or the agent of the plaintiff.

(3) The notice shall state the cause of action, the name and place of abode of the intending plaintiff and the relief which the plaintiff claims.

93. Service of documents

The notice referred to in section 92 and the summons, notice or any other document required or authorised to be served on the Authority in connection with a suit by or against the Authority may be served by delivering it to, or sending it by registered post addressed to, the Director-General.

94. Stay of arrest in certain cases

A person on duty with the Authority shall not be removed under arrest if the immediate removal from duty might result in danger to life or goods, unless the head of the department in which that person is employed or the officer in immediate charge of the work in which that person is engaged has been given an opportunity of providing a substitute.

95. Representation of Authority in proceedings

In a civil action pending before a Court the Authority may be represented by an employee or a person who satisfies the Court as having been duly authorised in writing by the Authority in that behalf.

PART EIGHT

Offences in connection with Lighthouses

96. Damage to lighthouses, buoys and beacons

A person who wilfully or negligently

(a) damages a lighthouse or a light exhibited in the lighthouse or a buoy or a beacon,

(b) removes or alters a lighthouse, buoy or beacon, or
(c) rides by, makes fast to, or runs foul of a lighthouse buoy or beacon,
commits an offence and is liable on summary conviction to a fine not exceeding one hundred and fifty penalty units in addition to the liability to make good the damage caused.

97. Prohibition of false lights

(1) Where a fire or light is burned or exhibited at a place or in a manner as to be likely to be mistaken for a light proceeding from a lighthouse, buoy or beacon, the Authority may serve a notice

(a) on the owner or occupier of the place where the fire or light is burned or exhibited, or

(b) on the person having charge of the fire or light,

directing the owner, occupier, or person, within a reasonable time specified in the notice, to take effectual means for extinguishing or effectually screening the fire or light and for preventing the same or a similar fire or light being burned or exhibited.

(2) The notice may be served personally or by delivery at the place of abode of the person to be served, or affixing the notice in a conspicuous manner near the fire or light to which the notice relates.

(3) A person on whom a notice is served under this section who fails, without reasonable cause, the proof of which lies on that person, to comply with the direction contained in the notice, commits an offence and is liable on summary conviction to a fine not exceeding seven hundred and fifty penalty units or to a term of imprisonment of three years or to both the fine and the imprisonment.

(4) Where a person on whom a notice under this section is served neglects for a period of twenty-four hours to extinguish or effectually screen the fire or light, an authorised employee of the Authority, with workmen or any other assistants

(a) may enter on the place where the fire or light is, and forthwith extinguish it without doing unnecessary damage, and

(b) may recover the expenses incurred from the person on whom the notice has been served in the manner in which fines may be recovered under this Act.

98. Penalty for obstructing authorised entry

A person who wilfully obstructs any other person in doing an act authorised by this Act commits an offence and is liable on summary conviction to a fine not exceeding seven hundred and fifty penalty units or to a term of imprisonment of three years or to both the fine and the imprisonment.

In connection with Pilotage

99. Penalty for compulsory pilotage district without pilot

(1) Where a ship which is not in the charge of a pilot authorised to pilot the ship, enters, leaves or changes her berth in a pilotage district in which pilotage has been made compulsory under this Act, the pilotage dues which would have been paid if an Authority pilot had been employed shall be paid together with a penalty of five thousand dollars or its equivalent in cedis.

(2) The dues and penalty are payable by the person declared by this Act to be liable to pay the pilotage dues.

100. Penalty on pilot endangering a ship

A pilot in charge of a ship who

- (a) by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does an act which is likely to cause loss, destruction or serious damage to a ship or immediate danger to life or limb of a person on board the ship, or
- (b) refuses or omits to do a lawful act required to be done for preserving the ship from loss, destruction or serious damage, or preserving a person on board the ship from danger to life or limb,

commits an offence and is liable on summary conviction to a term of imprisonment not exceeding two years.

101. Penalty for illegal pilotage

A person who poses as a pilot authorised to pilot a ship in a district which that person is not authorised to pilot under this Act, or pilots a ship in a pilotage district which that person is not so authorised to pilot, commits an offence and is liable to a fine not exceeding seven hundred and fifty penalty units or to a term of imprisonment not exceeding three years or to both the fine and the imprisonment.

In connection with Dues, Rates and Returns

102. Evasion of dues and rates

A master or an owner of a ship, or an owner or a consignor or consignee of goods who evades or attempts to evade dues or rates chargeable under this Act commits an offence and is liable on summary conviction to a term of imprisonment not exceeding six months or to a fine not exceeding five hundred dollars or its equivalent in cedis or to both, and is liable in addition to pay in dollars in case of foreign registered ships or its equivalent in cedis in case of Ghanaian registered ships to the Authority a penalty double the amount of the dues or rates evaded or attempted.

103. Failure to comply with section 49 or 50

A master of a ship who contravenes a provision of section 49 or 50 commits an offence and is liable on summary conviction to a term of imprisonment not exceeding six months or to a fine not exceeding one thousand dollars in the case of foreign registered vessels or its equivalent in cedis in the case of Ghanaian registered vessels or to both the fine and the imprisonment.

104. False returns

(1) A person who knowingly or recklessly, makes a statement which is false in a material particular in a return claim or any other document which is requested or authorised to be made by or under this Act, commits an offence and is liable on summary conviction to a term of imprisonment not exceeding one year or to a fine not exceeding one hundred and fifty penalty units or to both the imprisonment and the fine.

105. General offences

- (1) A person who within a port
- (a) trespasses or being a trespasser refuses to leave after being warned to do so by an officer or any other employee of the Authority,
 - (b) is drunk or behaves in an offensive or disorderly manner,
 - (c) commits a nuisance or act of indecency or uses profane indecent or abusive language, or
 - (d) writes, or affixes a profane, an indecent or abusive word or matter on a property of the Authority,
 - (e) knowing or being in a position to know that a room or other place is reserved for the exclusive use of males or females or different classes of persons enters it without lawful excuse or having so entered remains there after having been requested by an officer or any other employee of the Authority to leave,
 - (f) refuses to obey a lawful request of an officer or any other employee of the Authority,
 - (g) fails to deliver at the earliest opportunity property found by and not belonging to, that person or removes that property,
 - (h) carries, places or houses, except in accordance with the Regulations, a loaded firearm or a receptacle containing an inflammable explosive or Corrosive gas, liquid or spirit or any other dangerous or offensive goods,
 - (i) without the permission of the Authority, hawks, sells or exposes or offers goods for sale or touts, plies for, or solicits custom or employment,
 - (j) without lawful excuse, loiters or remains on the port,
 - (k) does or attempts to do anything which may cause injury to a person,
 - (l) wilfully gives a false name or address to a police officer or an officer or any other employee of the Authority for the purpose of avoiding prosecution, or
 - (m) wilfully molests, hinders or obstructs an officer or any other employee of the Authority in the execution of a work to be done within a port, commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.
- (2) A person who within a port
- (a) wilfully damages, injures, defaces or interferes with the property of the Authority,
 - (b) wilfully obstructs a work, way, rolling stock, ship, vessel or any other property of the Authority,
 - (c) removes or attempts to remove property of the Authority or unlawfully keeps property in the possession or on the premises of that person,
 - (d) discharges a firearm, or throws anything likely to damage property of the Authority or obstructs or injures any other person employed within a port,

- (e) smokes in a goods shed, warehouse, or any other place in proximity to goods or inflammable material where notices prohibiting smoking are exhibited, or
- (f) makes use of a form of artificial heat for sealing or repairing petrol or kerosene tins within a port in a place not specially assigned for that purpose, commits an offence and is liable on summary conviction to a term of imprisonment not exceeding three years or a fine not exceeding seven hundred and fifty penalty units or to both the imprisonment and the fine.

- (3) Except in accordance with the Regulations made under section 110, the Authority may refuse to allow within a port a person who
 - (a) appears to be insane or suffering from contagious or infectious disease,
 - (b) appears to be under the influence of liquor,
 - (c) commits a nuisance or an act of indecency or uses obscene or abusive language, or
 - (d) interferes with an officer or any other employee of the Authority in the exercise of a duty.

106. Penalty for unlawful loosing moorings

A person who for the purpose of obtaining salvage, or for any other purpose, wilfully sets adrift, or cuts, breaks or unfastens the moorings of a ship, commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding one year or to both the fine and the imprisonment.

107. Wilfully sinking vessels and damage by ship to works

(1) A person who wilful sinks a ship in a port or in the approaches to a port without the permission in writing of the harbour master, commits an offence and is liable in addition to paying the expenses incurred by the Authority in removing the ship, on summary conviction to a fine not exceeding two thousand penalty units or to a term of imprisonment not exceeding ten years or to both the fine and the imprisonment.

(2) Where through the wilful act or default of the master of a ship or the person having charge of a float of timber or a person employed by the owner of the ship or float of timber, damage is done to a quay or any other work belonging to or occupied by the Authority, the owner of the ship or float of timber are jointly and severally liable with the master of the ship or the person having charge of the float of timber or the person employed by any of them, to repay to the Authority the cost of repairing the damage done to the quay or that other work belong to or occupied by the Authority.

(3) Subsections (2) and (3) do not apply to a ship which at the time when the damage is caused is in the charge of an Authority pilot whom the master of the ship was bound by this Act to employ.

(4) The Authority may detain the ship or float of timber until the cost of repairing the damage done has been paid to the Authority or security has been given to the Authority for the payment of the amount of the damage.

PART NINE

Miscellaneous

108. Rating

(1) Despite any other enactment, the wharves vested in or in the possession of the Authority shall not be regarded as property for rating purposes, nor shall the Authority pay rates under the enactment in respect of the wharves.

(2) The exemption conferred by this subsection (1) does not extend to property situated on wharves vested in or in the possession of the Authority.

109. Saving of powers under customs laws

This Act does not derogate from the powers conferred on a person under any of the relevant customs and excise legislation.

110. Regulations for management and good order and government

(1) The Minister may, by legislative instrument, make Regulations for the management, and for the good order and government of the traffic by sea or by land to, in, or from ports, and with regard to the use of the terms and conditions on which the same may be used, and in particular may make Regulations

- (a) with regard to vessels entering, leaving, or being in or near a port;
- (b) prescribing anchorage and moorings generally or in relation to a class of vessels carrying a class of cargo;
- (c) for declaring, and defining, the decks, wharves, quays, jetties, or landing places on which goods or passengers shall be landed from vessels, or shipped or embarked on board vessels, and for regulating the use of the sheds, warehouses, railways tramways, and any other parts of a port;
- (d) for the loading and discharge of vessels;
- (e) the landing, reception, portage, warehousing, storage, depositing, and removal of goods brought within a port for loading or shipping or otherwise;
- (j) the landing and embarkation of passengers;
- (g) for the admission of vessels into or near a port or a part of a port, and their removal out of or from the port, and for the good order and government of the vessels while within a port or at or near a part of a port;
- (h) prescribing the cases in which vessels approaching, entering, moving in, or leaving a port shall employ a pilot, as to the pilots to be so employed, and generally for regulating pilotage in or in the neighbourhood of a port;
- (i) for preventing damage or injury to a port or a part of a port or to a vessel or the goods within a port;

- (j) for the removal of wrecks and any other obstructions from or near a port, keeping a port clean, and for preventing ballast, rubbish, or any other substances being thrown, discharged, or put in a port and for prescribing the mode in which, and the parties by whom or by which, the expenses incurred in connection with a matter mentioned in this paragraph shall be borne and paid;
- (k) prescribing the duties of masters of ships carrying gunpowder or any other explosive or supervising the shipping, unshipping, landing and transport of that cargo;
- (l) regulating the exhibition of lights by vessels;
- (m) regulating the approaches, or making fast, of boats to a ship or wharf;
- (n) as to the registration and licensing of ships and boats under fifty tons burden plying in a port;
- (o) the licensing of porters and carriers and any other labourers working in a port;
- (p) as to the fees to be paid for a registration or licence or in respect of, any other matter or thing prescribed;
- (q) for the exclusion and removal from a port of disorderly or any other undesirable persons and of trespassers;
- (r) for prescribing a scale of rates, and the conditions under which these are to be levied in respect of
 - (i) port dues on vessels and goods respectively;
 - (ii) the use of anchorages and mooring;
 - (iii) permission for vessels to approach or lie alongside a wharf, quay, pier, dock, land, building or place;
 - (iv) passengers landing and embarking;
 - (v) any other facilities or services;
- (s) exempting vessels or classes of vessels, or goods or classes of goods, wholly or partly from the payment of rates, and annexing conditions to the exemption;
- (t) for the payment and collection of the rates leviable under this section, and for the purpose of facilitating the collection of the rates;
- (u) generally for more effectually carrying into effect a purpose or a provision of this Act.

(2) For the breach of a regulation made under subsection (1) the Minister may prescribe as a penalty a fine not exceeding one thousand dollars or its equivalent in cedis, or a term of imprisonment not exceeding one year or both the fine and the imprisonment, and in the case of continuing breach a fine not exceeding fifty dollars or its equivalent in cedis a day, for every day after the first during which the breach continues or a term of imprisonment not exceeding six months, or to both the fine and the imprisonment.

111. Interpretation

In this Act, unless the context other wise requires,

"animal" means an animate thing of every kind or description except human beings;

"approaches to a port" means a navigable channel normally used by a ship when entering or leaving a port;

"Auditor-General" includes an auditor appointed by the Auditor-General;

"Authority" means the Ports and Harbours Authority established by section 2;

"Authority pilot" means a pilot appointed by the Authority;

"ballast" includes every kind of gravel, sand and soil and every commodity or thing commonly used for the ballasting of ships;

"beacon" means a light, mark or sign used as an aid to navigation other than a lighthouse or buoy;

"Board" means the governing body established by section 3;

"buoy" includes a floating light, mark or sign used as an aid to navigation, other than a lighthouse;

"cargo" includes movable personal property, other than animals;

"Court" means a court of competent jurisdiction;

"dollars" means United States of America dollars;

"dues" includes ships' dues and port dues;

"ferry" means a ship plying from one side of a waterway to the other for the purposes of the carriage of passengers or goods;

"functions" includes powers and duties;

"goods" includes baggage, animals, whether alive or dead, and any other movable property;

"licensed pilot" means a pilot licensed by the Authority;

"lighthouse" includes a lightship;

"master" means when used in relation to a ship, the person having command or charge of the ship for the time being, but does not include a pilot;

"Minister" means the Minister responsible for Transport and Communication;

"perishable goods" includes goods liable to rapid deterioration and fish, fruits, vegetables, potatoes, plants, bread, meat, game, butter, eggs, milk, cheese, ice and any other thing which may be declared by the Regulations to be perishable goods;

"navigable channel" means a channel where navigation is possible;

"pilot" means a person not belonging to a ship who has conduct of the ship;

"pilotage district" means

- (a) a pilotage district established before the commencement of this Act and continuing as a pilotage district immediately before the commencement,
- (b) a pilotage district established by the Authority under this Act, and
- (c) a district, subject to a variation of its limits as may have been made by the Regulations;

"port" means

- (a) a port declared and continuing as a port immediately before the commencement of this Act,
- (b) a port declared as a port by the Regulations, and
- (c) a port, subject to the variation of its limits as may have been made by the Regulations;

"ports operation officer" means an officer of the Authority authorised by the Authority to perform the functions of the ports operation officer;

"prescribed" means prescribed by this Act or the Regulations or the Rules;

"rates" means rates levied by the Authority by virtue of section 57;

"Regulations" means the relevant Regulations made under this Act;

"Rules" means the Rules made by the Authority under this Act;

"ship" includes a ship, vessel, tug, lighter, canoe or boat whether propelled by steam or otherwise or towed;

"vehicle" means a vehicle other than a train or ship;

"warehouse" includes a building, place, wagon, ship or vehicle when used by the Authority for the purpose of warehousing or depositing goods.

112. Powers of Authority exercisable by servants and agents

(1) When powers are conferred or duties imposed by or under this Act or any other enactment on the Authority, the powers may be exercised or the duties discharged by or through a servant or an agent of the Authority authorised in that behalf by the Authority.

(2) A matter or thing done by a servant or an employee of the Authority shall not, if the matter or thing is done bona fide for the purpose of executing a provision of this Act, subject the servant or employee or a person acting under directions personally to a civil liability.

113. Repeal and saving*Spent.4***SCHEDULE****TAKORADI**

From a point on the main breakwater 7.92m (26 feet) 221 degrees from Ghana Survey Point W.P. 7/30/18, thence in a direction 3310 for 20.42m (67 feet), thence 060.500 for 3.81m (12.5 feet), thence 324° for 7.62m (67 feet), thence 60.50° for 3.81m (12.5 feet), thence 324° for 7.62m (25 feet), thence 2700 for 11.43m (37.50 feet), thence 000° for 162.46m (533 feet), thence 335.50 for 135.33m (444 feet), thence 3420 for 41.45m (136 feet), thence in the area of a circle radius 156.06m (512 feet) for a distance of 78.53m (257 feet), thence 353.50 for 17.68m (58 feet), thence 0000 for (56 feet) 17.07m, thence 355.5° for 25.91m (86 feet), thence 0030 for 762m (25 feet), thence 0890 for 25.72m for (150 feet), thence in the area of a radius 228.60m (250 feet) in a northerly direction for 129.54m (425 feet), thence 007° for 10.06m (33 feet), thence 143° for 48.16m (158 feet), thence 0540 for 28.04m (92 feet), thence 359.50 for 68.56m (225 feet), thence 3540 for 430.38m (1412 feet), thence 0820 for 6.10m (20 feet), thence 3560 for 22.86m (75 feet), thence 0500 for 43.28m (142 feet), thence 079° for 13.72 (45 feet), thence 1720 for 203.00m (666 feet), thence 0770 for 823m (27 feet), thence 009.50 for 21.95m (72 feet), thence 009.50 for 21.95m (72 feet), thence 103° for 123.14m (404 feet), thence 0690 for 120.70m (396 feet), thence 339° to the low waterline thence following the low waterline to the North-East corner of the reclaimed area, thence in a direction 117.5° to the low waterline at the head of the main breakwater and, thence along the outside of the main breakwater following the low waterline to the starting point 7.92m (26 feet) 2210 from Ghana Survey Point W.P. 7/30/18.

All that piece of land surrounded with palisade commencing at a point approximately 169.77m (557 feet) South of the Ghana Survey Pillar marked GSC. 71 (which pillar is fixed near the Butua River Bridge) on the Takoradi-Kumasi main line of the Ghana Railway Corporation approximately 2.01 kilometres (1.25 miles) from the Takoradi Railway Station buildings, thence on a bearing of 90° for a distance of 14.63m (48 feet), thence on a bearing of 164056" for a distance of 76.20m (250 feet), thence on a bearing of 1560 -36" for a distance of 67.06m (220 feet), thence on a bearing of 1670 -901" for a distance of 100.58m (330 feet), thence on a bearing of 190.48 for a distance of 30.48m (100 feet), thence on a bearing of 198°25" for a distance of 27.43m (90 feet), thence on a bearing of 211°-55" for a distance of 85.34m (280 feet), thence on a bearing of 205°-10" for a distance of 5.79m (19 feet), thence on a bearing of 100-05" for a distance of 21.64 (71 feet), thence on a bearing of 160-24" for a distance of 51.82m (170 feet), thence on a bearing of 60-15" for a distance of 67.06m (220 feet), thence on a bearing of 0000-00" for a distance of 310m (1,020 feet) to the aforesaid commencing Point South of Ghana Survey Pillar marked GSC. 71.

4. This section reads:

- "(1) The Ghana Ports Authority Decree, 1977 (S.M.C.D. 96) is hereby repealed.
 (2) Notwithstanding the repeal of the said Decree, every statutory instrument made thereunder or deemed to be made thereunder and in force immediately before the commencement of this Law, shall, until altered, revoked or modified under this Law, continue in force as if made under the corresponding provisions of this Law, with such modifications as may be necessary having regard to the provisions of this Law."

TEMA

The area of land commencing at a point on the High Water Mark of the Gulf of Guinea and approximately 195.07m (640 feet) south-east of the centre line of the motor road from the Harbour to Accra which point i.e. marked with a wall which forms the limits of the security fence of the western boundary of the Port in the Harbour Area in the Accra District of Greater Accra Region of Ghana the boundary follows the said wall on a bearing of 323u for approximately 103.63m (340 feet) to a point which is approximately 91.44m (300 feet) south-east of the Centre line of the said motor road from the harbour to Accra and, thence follows a wall a north-easterly direction on a bearing of 55u for approximately 245.84 (800 feet) to a point, thence follows a wall on a bearing of 71u -00" for approximately 231.65m (760 feet) to a point and, thence follows a wall for approximately 272.00m (940 feet) to a point, thence follows a bearing of 247U -00" for approximately 60.96m (200 feet) to a point and, thence follows a wall for approximately 152.40m (500 feet) to a point and, thence follows a wall on a bearing of 333u -00" for approximately 146.32m (480 feet) to a point and, thence follows a wall for approximately 512.06m (1050 feet) to a point and, thence follows a wall on a bearing of 270U -00" for approximately 448.06m (1470 feet) to a point, thence follows a wall for approximately 76.20m (250 feet) to a point which point is approximately 91.44m (300 feet) north-east of the main roundabout of the Port area and, thence follows a wall on a bearing of 28u -00" for approximately 158.50m (520 feet) to a point and, thence follows a wall on a bearing of 102u -00" for approximately 45.72m (150 feet) to a point and, thence follows a wall in a general north-eastern direction for approximately 405.38m (1330 feet) to a point approximately 18.29m (60 feet) east of the Railway crossing to a motor road to the Tema Centre and, thence follows on wall in a general north-eastern direction south-east of the main roadway line leading to the Shai Hills for approximately 984.50m (3230 feet) to a point and, thence follows the eastern gate of the railway line leading to the Shai Hills for approximately 633.98m (2080 feet) to a point which point is on the north-western edge of an unnamed motor road from Tema Town Centre to the Fishing Harbour Area and, thence follows to north-western edge of the south motor road in a north-easterly direction for approximately 731.52 (24 feet) to a point near a bridge and, thence on a bearing of 128u -00" for approximately 335.28m (1100 feet) to a pillar marked SGE 19/59/12 which pillar is situated on the shore close to the East of Chemu Lagoon and, thence on a bearing of 90U -00" for approximately 326.75m (10720 feet) to a point and, thence on a bearing of 262u -00" approximately 5958.84m (19,550 feet) to a point of commencement thus enclosing and approximately area of 2171.83 hectares (5366.516 acres or 8.385 square miles) be the same several dimensions little more or less as the same boundary is more particular delineated on a plan numbered C 176 and deposited with the Chief Survey Officer.

WINNEBA

Lat. 50° -20" N; Long 0° -38": W.

ACCRA

Lat. 50° -31" N; Long 0° - 12" W.

AXIM

Lat. 4° -52" N; Long 2° -15" E. On West side of Cape Three Points.

CAPE COAST

Lat. 5° -9" N; Long 1° -16" West.

KETA

Lat. 5° -54" N; Long 1° -E".