

CAP. 240
BEACHES OBSTRUCTIONS ACT, 1897

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CAP. 240
BEACHES OBSTRUCTIONS ACT, 1897(1)

AN ACT for the prevention and removal of obstructions in the use of ports, rivers and beaches and to provide for related matters.

1. Removal of wrecks

Where a vessel is sunk, stranded or abandoned in a fairway, or on the beach, or foreshore, or on or near a rock, shoal or bank, or in a part of the sea adjacent to the coast, or in a river, an officer of the Customs, Excise and Preventive Service or a district chief executive or any other officer appointed by the Minister in that behalf may, if in the opinion of that person the vessel is or is likely to be an obstruction to navigation, or to the landing on, or use of, the beach or foreshore or bank of a river, or an approach to any of them,

- (a) take possession of, raise, remove, or destroy the whole or a part of the vessel,
- (b) light or buoy the vessel or a part of the vessel until the raising, removal or destruction of the vessel, and
- (c) sell as appropriate the vessel or a part of the vessel so raised or removed, and any other property recovered in the exercise of powers under this section, and
 - (i) out of the proceeds of the sale reimburse the expenses incurred; and
 - (ii) hold the surplus of the proceeds in trust for the person entitled to the surplus.

2. Beaches reserved for landing places

- (1) The President, by executive instrument,

- (a) may reserve a portion of the foreshore, or, if it is waste or uncultivated or a government land or an open space, of the beach or of the bank of a river as or for a landing place or for any other purposes,
- (b) may in a writing declare how the reserved portion shall be used,
- (c) may require the taking out of a licence for the use of the landing place,
- (d) may declare and appoint fees for the licences, and
- (e) may rescind or vary the instrument.

(2) A person shall not make use of a reserved portion, whether for landing, or hauling up, or leaving on that portion a boat or canoe, or placing or keeping on that portion an animal or article without or contrary to the terms of the licence, required by an instrument made under subsection (1).

(3) A boat, canoe, an animal or article hauled up, left, placed or kept on a reserved portion of the beach, foreshore or bank contrary to this section may be removed by the District Chief Executive or a person authorised by the District Chief Executive at the expense of the owner or person in charge of them, if after notice in writing given to the owner or person in charge, or posted up at or near the place where the boat, canoe, animal or article is, the boat, canoe, animal or article is not removed.

(4) A person who contravenes a provision of this section or of an instrument made under subsection (1) commits an offence and is liable on conviction before a magistrate to a fine not exceeding twenty-five penalty units.

3. Removal of sand from beach

(1) A person shall not, without the permission of the District Chief Executive, remove or carry away any rock, stones, shingle, gravel, sand or soil, or an artificial protection from a part of the foreshore, beach or the bank of a river.

(2) A person who contravenes a provision of subsection (1) commits an offence and is liable on conviction before a District Magistrate

- (a) to a fine not exceeding twenty-five penalty units, and
- (b) to pay the expense of repairing the injury done to the beach, foreshore or bank.

4. Cutting channel between sea and lagoon

(1) A person shall not, without the permission in writing of the Minister or the Regional Minister, make, or cause to be made, a channel between a lagoon and the sea or a river.

(2) A person who contravenes a provision of subsection (1) commits an offence and is liable on conviction before a District Magistrate

- (a) to a penalty not exceeding one hundred penalty units, and
- (b) to pay the expenses of closing the channel.

5. Removal of obstructions to navigation

(1) Where a person without lawful excuse, causes, whether by an act or omission, an obstruction or impediment to the navigation of a port, river or lagoon, or to the lawful use of a pier, jetty, landing place, whether reserved or not under section 2, wharf, quay, dock, mooring, or any other work in the port, river,

or lagoon the District Chief Executive may cause the obstruction or impediment to be removed.

(2) A person who causes the obstruction or impediment commits an offence and is liable on conviction before a magistrate

- (a) to a fine not exceeding twenty-five penalty units, and
- (b) to pay the expenses of the removal.

6. Evidence

In a legal proceeding under this Act the burden of proving a licence under section 2, a permission under sections 3 and 4, and the terms of the licence and permission, and a lawful excuse under section 5 lies on the defendant.

7. Assessment and recovery of expenses

(1) The expenses for which a person is liable under this Act may be assessed by the Magistrate if the Magistrate considers it convenient and practicable, at the time of the conviction.

(2) In any other case, the person liable may be proceeded against, and the expenses may be assessed, before a Magistrate in accordance with the Criminal and Other Offences (Procedure) Act, 1960 (Act 30) relating to summary trials.

(3) The expenses assessed under this section may be recovered and enforced as a penalty.

8. Interpretation

In this Act, unless the context otherwise requires,

“**beach**” includes the land within fifty yards above high water mark;

“**Minister**” means the Minister responsible for Transport and Communications;

“**vessel**” includes an aircraft, a ship, boat, or canoe or any other description of vessel used in navigation, whether propelled by sails, steam, electricity, oars, paddles, or poles.²⁽²⁾

Endnotes

1 (Popup - Footnote)

1. This Act was enacted as an Ordinance and came into operation on 29th January, 1897 (No. 5 of 1897), applicable then to the Gold Coast Colony only. It was [Cap. 240](#) in the 1951 Edition of the Laws of the Gold Coast.

2 (Popup - Footnote)

2. Amended by section 2 of the Beaches Obstruction (Amendment) Ordinance, 1939 (No. 40 of 1939).