

**ACT 457**  
**FISHERIES COMMISSION ACT, 1993**

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**ACT 457**  
**FISHERIES COMMISSION ACT, 1993(1)**

**AN ACT to establish a Fisheries Commission; provide for its composition and functions relating to the regulation and management of the utilisation of fishery resources of Ghana and for connected purposes.**

*Establishment of Commission and its Functions*

**1. Establishment of the Fisheries Commission**

There is established by this Act a Fisheries Commission.

**2. Functions of the Commission**

(1) The Commission is responsible for the regulation and management of the utilisation of the fishery resources of the Republic and the co-ordination of the policies in relation to them.

(2) For the purposes of subsection (1), the Commission shall

- (a) establish systems to manage, protect and effectively use the fish resources of the Republic to achieve the most productive use of fish resources in the Republic;
- (b) monitor and ensure the implementation of Government's policies for the development, management, conservation and utilisation of fisheries resources of the Republic;
- (c) prescribe in consultation with the Ghana Standards Board and Fisheries Department of the Ministry of Food and Agriculture standards for quality, weight, measurement and grades of fish in the country;
- (d) advise the Minister on matters affecting the fishing industry;
- (e) foster international co-operation and collaboration in fisheries for the benefit of the nation within the framework of the Republic's foreign policy and international commitments;
- (f) establish systems and maintain action programmes for the promotion of the fishing industry and the protection and welfare of Ghanaian fishermen working outside Ghana, particularly along the West African Coast;
- (g) receive from the unit and examine annual report on payment and disbursements of monies from the Fund established under section 30 (4) of the Fisheries Act, 1991(2);
- (h) co-ordinate with appropriate and relevant national authorities on the use of Ghanaian timber to build fishing canoes and inshore vessels;
- (i) advise the Minister on the importation of fresh and frozen fish as a supplement to local fish production;
- (j) hear and settle complaints from persons aggrieved in respect of matters arising from and related to the fishing industry;
- (k) co-ordinate the activities of co-operatives, societies and associations in the fishing industry; and
- (l) perform any other functions as the Minister may assign to it.

## *The Authority and Related Provisions*

### **3. Governing body**

The governing body of the Commission is an Authority consisting of

- (a) the Chairman who is not a Minister of State or a Deputy Minister,
- (b) the Executive Secretary referred to in section 15,
- (c) one representative from each of the following bodies nominated by the body concerned who shall not be below the rank of a Deputy Director and in the case of functional groups not below the rank of a vice-chairman or its equivalent:
  - (i) Ministry of Transport and Communications;
  - (ii) Ministry of Defence;
  - (iii) Ministry of Environment;
  - (iv) Ministry of Food and Agriculture;
  - (v) Ghana National Association of Farmers and Fishermen;
  - (vi) National Fisheries Association of Ghana;
  - (vii) Ghana Tuna Association;
  - (viii) Ghana Marine Fishing Officers Association;
  - (ix) Fish Smokers Association;
  - (x) Institute of Aquatic Biology;
  - (xi) the Ghana Irrigation Development Authority; and
- (d) four persons at least two of whom are women.

### **4. Appointment of members**

(1) The chairman and the other members of the Commission shall be appointed by the President in accordance with article 70 of the Constitution.

(2) The chairman and the other members of the Commission shall be appointed on the terms and conditions that the President may determine.

(3) The members of the Commission shall hold office for four years and are eligible for re-appointment for a further term.

(4) A member nominated by a body as its representative on the Commission shall cease to be a member if the President revokes the appointment on the recommendation of the body by letter addressed to the member.

(5) The chairman of the Authority shall notify the President of vacancies which occur in the membership of the Authority.

(6) When the chairman or a member of the Authority is incapacitated by illness or any other cause from performing the functions of office, the President may acting in consultation with the appropriate institution appoint another person to perform the functions of the member until the member is able to

resume the performance of those functions.

## **5. Qualification of members**

(1) A person is not qualified to be a member of the Authority if that person

- (a) has been adjudged or otherwise declared
  - (i) bankrupt under any law in force in Ghana and has not been discharged; or
  - (ii) to be of unsound mind or is detained as a criminal lunatic under any law in force in Ghana; or
- (b) has been convicted
  - (i) for high crime under the Constitution or high treason or treason or for an offence involving the security of the State, fraud, dishonesty or moral turpitude; or
  - (ii) for any other offence punishable by death or by a sentence of not less than 10 years; or
- (c) has been found by the report of a commission or a committee of inquiry to be incompetent to hold public office or is a person in respect of whom a commission or committee of inquiry has found that while being a public officer that person acquired assets unlawfully or defrauded the State or misused or abused office, or wilfully acted in a manner prejudicial to the interest of the State, and the findings have not been set aside on appeal or judicial review; or
- (d) is under sentence of death or any other sentence of imprisonment imposed by a Court; or
- (e) is otherwise disqualified by a law for the time being in force.

(2) Members of the Authority must be persons of high moral character and integrity and the President shall in appointing a member consider the expertise and experience of that person and the ability to contribute to the work of the Commission.

(3) Without prejudice to subsections (1) and (2) of this section a member of the Authority shall cease to be a member if

- (a) in the case of a person possessed of professional qualification, the member is disqualified or suspended from practising that profession by an order of a competent authority made in respect of that member personally or ceases to be a member of the profession otherwise than at the personal request; or
- (b) the member is absent from four consecutive meetings of the Commission without sufficient reason.

## **6. Resignation**

The chairman or a member of the Authority may resign from office by notice addressed to the President.

## **7. Removal of members of Authority**

The chairman or a member of the Authority may be removed from office by the President for inability to perform the functions of office or for a just cause.

## **8. Allowances of members**

The chairman and other members of the Authority shall be paid the allowances that the Minister in consultation with the Minister responsible for Finance may determine.

## **9. Meetings of the Authority**

(1) The Authority shall meet at least once in every three months for the despatch of business at a time and place determined by the Chairman.

(2) The chairman shall summon a special meeting of the Commission within fourteen days of the receipt of a written request signed by not less than eight members of the Authority.

(3) The quorum at a meeting of the Authority shall be not less than half of the membership of the Authority.

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

(5) The validity of the proceedings of the Authority shall not be affected by a vacancy in its membership or a defect in the appointment of a member.

(6) Questions before the Authority shall be decided by a majority of the members present and voting.

(7) The chairman or the person presiding at a meeting of the Authority shall in the event of equality of votes have a casting vote.

(8) Except as otherwise provided in this Act, the Authority shall regulate the procedure at its meetings.

## **10. Power to co-opt**

The Board may co-opt a person to act as an adviser at its meetings but a co-opted person is not entitled to vote at a meeting.

## **11. Committees of the Authority**

(1) The Authority may appoint the committees which it considers necessary for the effective implementation of its functions.

(2) A committee appointed under subsection (1) may consist of members of the Authority or non-members or both except that a committee composed entirely of non-members may only advise the Authority.

## **12. Fisheries Settlement Committee**

(1) Without prejudice to section 11, there shall be appointed by the Authority from among its membership a Settlement Committee consisting of not less than five or more than seven members to hear and settle complaints from persons aggrieved in respect of matters arising from and related to the fishing industry.

(2) Subsection (1) is without prejudice to a right of action to the Courts.

## **13. Membership on Appeals Board**

One member of the Authority elected by the members from their number shall sit as a member on the Appeals Board established under section 10 of the Fisheries Act, 1991.3(3)

#### **14. Relationship with other authorities**

Government departments, agencies and public authorities shall co-operate fully with the Commission in the performance of its functions under this Act.

#### *Administration and Miscellaneous Provisions*

#### **15. Executive Secretary**

(1) The Commission shall have an Executive Secretary who shall be appointed by the President in accordance with article 195 of the Constitution.

(2) The Executive Secretary shall hold office on the terms and conditions determined by the President.

(3) The Executive Secretary is responsible for the day-to-day administration of the Commission.

(4) The Executive Secretary is responsible for the organisation and control of the staff of the Commission.

(5) The Executive Secretary shall, subject to the directives of the Authority, arrange the business, record and keep minutes of the meetings of the Authority.

(6) The Executive Secretary shall perform any other functions assigned by the Authority and shall be assisted in the performance of those functions by any of the staff of the Commission.

#### **16. Staff of Commission**

(1) There shall be appointed by the President in accordance with article 195 of the Constitution for the Commission the staff and employees as that the Commission may require for the effective implementation of its functions.

(2) The President may delegate in accordance with clause (2) of article 195 of the Constitution to the Commission or any public officer the appointment of the Executive Secretary and the other staff of the Commission.

(3) The staff and employees of the Commission are public officers.

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

#### **17. Funding of the Commission**

(1) Parliament shall provide the Commission with the funds that it may require for the performance of its functions; and the Commission may receive moneys from any other source approved by the Minister responsible for Finance.

(2) There shall be paid on all imported frozen, salted or fresh fish the levy that the Minister shall in consultation with the Authority determine.

(3) Moneys paid under subsection (1) shall be deposited into a fund to be known as Fishery Development Fund which is hereby established for the promotion and development of the fishing industry.

(4) The Fund shall be managed by the Minister in consultation with the Authority.

(5) The Fisheries Monitoring, Control, Surveillance and Enforcement Unit established under section 28 of the Fisheries Act, 1991(4) shall submit annual report on the fund established under subsection (4) of section 30 of that Act to the Commission.

## **18. Accounts and audit**

(1) The Commission shall keep proper books of account and proper records in relation to them in the form approved by the Auditor-General.

(2) The books and accounts of the Commission shall be audited annually by the Auditor-General.

## **19. Annual report**

(1) The Authority shall, as soon as possible after the expiration of each financial year but within six months after the end of the financial year, submit to the Minister an annual report dealing generally with the activities of the Commission and shall include

(a) a copy of the audited accounts of the Commission together with the Auditor-General's reports on it, and

(b) any other information as the Minister may require.

(2) The Commission shall also submit to the Minister any other reports on its activities as the Minister may require.

(3) A copy of the annual report shall be forwarded by the Authority to the

(a) Office of the President,

(b) National Development Planning Commission,

(c) Statistical Service, and

(d) Ministry of Information.

(4) The Minister shall, not later than three months after receiving the annual report, lay the report before Parliament.

## **20. Regulations**

The Minister in consultation with the Board may by legislative instrument make Regulations

(a) for the control and issue of licences and forms of licences and determine the conditions under which they may be operated;

(b) for fishing boat construction in Ghana, and

(c) generally for the effective implementation of this Act.

## **21. Modifications and consequential amendments**

(1) The Fisheries Act, 1991(5) shall have effect subject to the necessary modifications to give effect to the provisions of this Act.

(2) The provisions set out in the Schedule to this Act are amended to the extent indicated.

## **22. Repeal**

Sections 30 (2) (a) and 40 of the Fisheries Act, 1991(6) are repealed by this Act.

### 23. Interpretation

In this Act unless the context otherwise requires

“**Auditor-General**” includes an auditor appointed by the Auditor-General;

“**Authority**” means the governing body of the Commission;

“**Commission**” means the Fisheries Commission established by section 1;

“**Fund**” means the Fisheries Development Fund established under this Act;

“**Minister**” means the Minister responsible for Food and Agriculture;

“**Unit**” means the Monitoring, Control, Surveillance and Enforcement Unit established under section 28 of the Fisheries Act, 1991.7(7)

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### Schedule CONSEQUENTIAL AMENDMENTS

[Section 23]

The Fisheries Act, 1991(8) is amended as follows:

- (a) in section 1 (5) for “The Secretary for Transport and Communications may in consultation with the Secretary” substitute “The Minister for Transport and Communications may in consultation with the Minister and the Commission”;
  - (b) in section 10 (1) (b) by the substitution for “a representative of the National Fisheries Advisory Council” of the following “a member of the Fisheries Commission”;
  - (c) in section 17 for “The Secretary may, on the advice of the Director of Fisheries”, substitute “The Minister may, on the advice of the Commission”;
  - (d) in section 44 (1) for “The Secretary may by legislative instrument make regulations” substitute “The Minister may by legislative instrument in consultation with the Commission make regulations–”; and
  - (e) in section 44 (2) for “The Secretary for Transport and Communication in consultation with the Secretary for Agriculture” substitute “The Minister for Transport and Communication in consultation with the Minister and the Commission”.
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## Endnotes

### **1 (Popup - Footnote)**

1. This Act was assented to on 6th July, 1993.

### **2 (Popup - Footnote)**

2. P.N.D.C.L. 256.

### **3 (Popup - Footnote)**

3. P.N.D.C.L. 256.

### **4 (Popup - Footnote)**

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### **5 (Popup - Footnote)**

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### **6 (Popup - Footnote)**

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### **7 (Popup - Footnote)**

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### **8 (Popup - Footnote)**

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