

FISHERIES REGULATIONS, 2010 (L.I. 1968)

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SCHEDULE

FISHERIES REGULATIONS, 2010

IN exercise of the powers conferred on the Minister responsible for Fisheries by section 139 (1) of the Fisheries Act, 2002 (Act 625) and on the recommendations of the Fisheries Commission these Regulations are made this 16th day of June 2010.

Fishery plans and fishing vessels

Regulation 1—Fishery plans

- (1) A fishery management plan shall be prepared with a specific objective and the duration of the fishery plan specified in accordance with provisions under the Act.
- (2) Where there is a change in policy arising out of an International Agreement or Convention, to which Ghana is a signatory, the fishery management plan prepared under sections 42, 43, 44 and 45 of the Act may be modified to conform to the International Agreement or Convention.

Regulation 2—Application for registration, licensing of local industrial and semi-industrial fishing vessels

- (1) A person shall not use a local industrial or semi-industrial fishing vessel for fishing in the fishery waters except under a licence issued under the Act.
- (2) An application for a licence under sub-regulation (1) shall be submitted with the following documents:
 - (a) a certificate of incorporation, certificate to commence business, and articles of association of the company as registered under the Companies Code, 1963 (Act 179);
 - (b) a bill of sale or hire purchase agreement in conformity with the Hire Purchase Act 1974 (NRCD 292);
 - (c) the certificate of Ghanaian registration of industrial vessel;
 - (d) the certificate of supervision of construction of semi-industrial vessel by the competent authority.
 - (e) Bank of Ghana approval for financial aspects of the Purchase Agreement where applicable;

- (f) a recent photograph of not more than six months of the vessel if foreign built;
 - (g) valid certificates of insurance of vessel and crew;
 - (h) particulars of a recognised local representative of a foreign insurance company, where the vessel and crew are insured by a foreign insurance company;
 - (i) a valid survey certificate of vessel and its machinery dated not more than six months to the date of application;
 - (j) fish landings for the previous quarter where applicable;
 - (k) fish exports for the previous quarter where applicable;
 - (l) safety certificate, call sign and mobile maritime satellite identification number for both industrial and semi-industrial vessels;
 - (m) International Tonnage Certificate for industrial vessels;
 - (n) Oil Pollution Prevention Certificate for industrial vessels;
- and
- (o) any other relevant document that the Commission may determine.

Regulation 3—Licensing and identification of fishing vessels

- (1) A fishing vessel shall, in accordance with section 69 (2) (b) of the Act, be licensed by the Commission in collaboration with the competent authority after the payment of the prescribed fee as determined by the Commission.
- (2) An application for registration and identification of a fishing vessel shall be as in Form A of the Schedule to these Regulations and shall be made to the Commission.
- (3) The vessel shall bear the identification number allotted to it by the Fisheries Commission and this shall be
 - (a) inscribed in block letters and numbers on the vessel;
 - (b) prominently displayed on the side, superstructure, port side and star board side of the craft as high as possible above the waterline, to make it visible to other fishing vessels and from the air
 - (i) in the case of a decked fishing vessel, displayed on the deck in order for it to be seen from the air; or
 - (ii) in the case of an undecked fishing vessel, displayed on the horizontal surface of the craft to make it visible from the air; or across the vessel with the top of the letters and numbers towards the bow; and
 - (c) placed in such a way that it will not be obscured by the fishing gear when stowed or in use.

(4) A boat, skiff or craft carried by a motor fishing vessel for the purpose of fishing shall bear the same markings as the vessel by which it is carried.

Regulation 4—Unauthorised use of registration and identification numbers

(1) A person shall not transfer or inscribe the registration and identification numbers of a fishing vessel onto another fishing vessel.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable on summary conviction to a fine of not more than one hundred and fifty penalty units or to a term of imprisonment of not more than twelve months or to both.

Regulation 5—Markings on fishing vessel

(1) The markings on a fishing vessel shall be in

- (a) white on a black background; or
- (b) black on a white background,

and the background shall extend to provide a border for the markings, but the space between the edge of the background and the markings shall not be less than one sixth of the height of the markings.

(2) The height of the markings on the hull or superstructure of a fishing craft in respect of the height of the registration or of the identity letters and numbers shall in the case of

- (a) a fishing craft of twenty-five metres length overall and above, the height of the markings shall not be less than one hundred centimetres;
- (b) a fishing craft of twenty metres or more but less than twenty-five metres length overall, the height of the markings shall not be less than eighty centimetres;
- (c) a fishing craft of fifteen metres or more but less than twenty meters length overall, the height of the markings shall not be less than sixty centimetres;
- (d) a fishing craft of twelve metres or more but less than fifteen metres length overall, the height of the markings shall not be less than forty centimetres; or
- (e) a fishing craft of five metres or more but less than twelve metres length overall, the height shall not be less than thirty centimetres.

(3) For markings on the deck, the height of the markings shall not be less than thirty centimetres.

(4) The width of the stroke for the letters, numbers and hyphens shall be one-sixth of the height of the markings, and the length of the hyphen shall be one half of the height of the letters and numbers.

(5) The space

- (a) between letters or numbers or both allocated to a fishing craft shall not exceed one quarter and shall not be less than one-sixth of the height of the markings; and

(b) between adjacent letters and numbers having sloping sides, shall not exceed one-eighth of the height of the markings and shall not be less than one-tenth of the height.

(6) The width of the letters and numbers inscribed on a fishing craft shall be in proportion to the height of the markings as follows:

(a) 3:4 for letters B, C, D, G, H, J, K, N, O, P, Q, R, S, T, U, X, Y and for numbers 0, 2, 3, 5, 6, 8, 9;

(b) 2.5:4 for letters E, F, L, Z and for number 7;

(c) 3.5:4 for letters A, V. and for number 4;

(d) 1:4 for letter I and for number 1;

(e) 4:4 for letter M; and

(f) 5:4 for letter W.

(7) A person who contravenes sub-regulation (1), (2), (3), (4), (5) or

(6) commits an offence and is liable on summary conviction to the penalty specified under section 49 (3) of the Act.

Fishing nets, fishing devices and fishing

Regulation 6—Use of seine net in inland waters

(1) A person shall not use a seine net in any riverine system unless for research purposes and that person has obtained permission from the Commission or a person authorized by the Commission.

(2) The permit shall be as in Form B of the Schedule.

(3) A person who contravenes regulation 6 (1) commits an offence and is liable on summary conviction to a fine of not more than one hundred and fifty penalty units or to a term of imprisonment of not more than twelve months or to both.

Regulation 7—Obstruction of waterways by use of fishing gear

(1) A person shall not set a fishing gear across an inland waterway that will obstruct normal navigation.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable on summary conviction to a fine of not more than one hundred and fifty penalty units or to a term of imprisonment of not more than twelve months or to both.

Regulation 8—Use of set-nets

(1) A person shall not use

(a) a multifilament set-net the mesh size of which is less than fifty millimetres in stretched diagonal length in the marine waters or a riverine system;

(b) a monofilament set-net the mesh size of which is less than seventy-five millimetres in stretched diagonal length in a riverine system; or

(c) a monofilament set-net in the marine waters.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable on summary conviction to a fine of not more than one hundred and fifty penalty units or to a term of imprisonment of not more than twelve months or to both.

Regulation 9—Beach seine net not to be used in marine protected areas

(1) A person shall not use beach seine net in estuaries and areas to be designated as marine protected areas by the Commission.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable on summary conviction to a fine of not more than two hundred and fifty penalty units or to a term of imprisonment of not more than two years or to both.

Regulation 10—Manufacture, importation, sale and use of unauthorised fishing nets and gears

(1) A person shall not manufacture, import, sell or use a fishing net or gear, the mesh size of which is less than twenty-five millimetres in stretched diagonal length.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units or to a term of imprisonment of not more than three years or to both.

(3) Fishing gear including winch net, “nifa-nifa”, drag net, harrow net, bamboo and any other prohibited gear shall not be used in the inland waters in the country.

(4) A person who contravenes sub-regulation (3) commits an offence and is liable on summary conviction to a fine of not more than one hundred and fifty penalty units or to a term of imprisonment of not more than twelve months or to both.

Regulation 11—Prohibited fishing methods

(1) A person shall not within the fishery waters of this country

(a) use any fishing method that aggregates fish by light attraction including use of portable generator, switchboard, bulbs beyond 500 watts or bulbs whose cumulative light intensity attracts fish and long cable to facilitate light production or any other contrivance for the purpose of aggregating fish by light;

(b) use bamboo for the purpose of aggregating fish;

(c) use explosives, obnoxious chemicals and any other prohibited fishing methods which render fish more easily caught; or

(d) operate pair-trawling.

(2) A person shall not operate any fishing activity within the areas designated as oil and gas exploration installations as may be prescribed by the competent authority and in accordance with provisions of the Act.

(3) A person who contravenes sub-regulation (1) or (2) commits an offence and is liable on summary conviction to the fine specified in section 88 (3) of the Act.

Regulation 12—Minimum mesh sizes of fishing gears

(1) A person shall not operate from or carry on board a motor fishing vessel.

(a) a trawl net the mesh size of which is less than sixty millimetres in stretched diagonal length in the codend; or

(b) a shrimp trawl net, the mesh size of which is less than fifty millimetres in stretched diagonal length in the codend.

(2) A person shall not use a large pelagic purse seine-net which has a mesh size of less than one hundred millimeters.

(3) A person who contravenes sub-regulation (1) or (2) commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units or to a term of imprisonment of not more than three years or to both.

(4) A person shall not use a small pelagic purse seine-net which has a mesh size of less than twenty-five millimetres.

(5) A person who contravenes sub-regulation (4) commits an offence and is liable on summary conviction to a fine of not more than one hundred and fifty penalty units or to a term of imprisonment of not more than twelve months or to both.

Regulation 13—Mesh size definition

(1) For purposes of this regulation a mesh size is defined as the maximum inside measurement between the two opposite knots of a stretched mesh.

(2) The mesh size is to be measured when the net is wet and by an approved flat gauge or with callipers.

Regulation 14—Minimum landing size of commercially important fish species

(1) A person shall not catch or land at any landing site in the country, fish of a size of less than the prescribed length as provided in Table 1 of the Schedule to these Regulations.

(2) A person shall not purchase fish which is less than the prescribed length as provided in Table 1 of the Schedule to these Regulations in commercial quantities.

(3) A person who contravenes sub-regulations (1) and (2) commits an offence and is liable on summary conviction to a fine of not less than fifty penalty units and not more than one hundred

and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both, and in addition the fish caught or landed at the landing site shall be confiscated.

Regulation 15—Obstruction of mesh and use of chafers

- (1) A person shall not use any topside chafers on any trawl net.
- (2) For the purpose of preventing wear and tear to a trawl net, a person may attach to the underside of the codend of the trawl net any hides, canvas, netting or other similar material.
- (3) A person who contravenes sub-regulation (1) commits an offence and is liable on summary conviction to a fine of not more than two hundred and fifty penalty units or to a term of imprisonment of not more than two years or to both.

Regulation 16—Use of turtle excluder device

- (1) A person shall not use a shrimp net for fishing without a turtle excluder device.
- (2) A turtle accidentally caught in the net shall be released immediately into the sea.
- (3) A person who contravenes sub-regulation (1) or (2) commits an offence and is liable on summary conviction to a fine of not less than fifty penalty units and not more than one hundred and fifty penalty units, or to a term of imprisonment of not more than twelve months or to both.

Regulation 17—Marine and freshwater mammals

- (1) A person shall not fish for marine or freshwater mammals in the fishery waters of the country without prior written approval from the Commission.
- (2) A person who contravenes sub-regulation (1) commits an offence and is liable on summary conviction to the penalty specified under section 90 (4) of the Act.

Fishing equipment

Regulation 18—Lights and shapes to be exhibited by fishing vessels

- (1) A vessel engaged in fishing, whether underway or at anchor, shall exhibit only the lights and shapes prescribed in these Regulations.
- (2) The lights prescribed by these Regulations shall be exhibited from sunset to sunrise and from sunrise to sunset in restricted visibility and may be exhibited in other circumstances when it is considered necessary.
- (3) The shapes prescribed by these Regulations shall be complied with during the day.
- (4) A vessel engaged in trawling shall exhibit
 - (a) two all-round lights in a vertical line, the upper being green and the lower white, or a shape consisting of two cones with their apices together in a vertical line one above the other; a vessel of less than 20 metres in length may instead of this shape exhibit a basket;

(b) a masthead light abaft of and higher than the all-round green light; a vessel of less than 50 metres in length is not obliged to exhibit this light but may do so; and

(c) when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a stern light.

(5) Vessels engaged in trawling in close proximity, whether using demersal or pelagic gear, shall exhibit when

(a) shooting their nets, two white lights in a vertical line;

(b) hauling their nets, one white light over one red light in a vertical line; and

(c) the net has come fast upon an obstruction, two red lights in a vertical line.

(6) A vessel engaged in fishing, other than trawling, shall exhibit

(a) two all-round lights in a vertical line, the upper being red and the lower white, or a shape consisting of two cones with apices together in a vertical line one above the other; a vessel of less than 20 metres in length may instead of this shape exhibit a basket;

(b) when there is outlying gear extending more than 150 metres horizontally from the vessel, an all-round white light or a cone apex upwards in the direction of the gear; and

(c) when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a stern light.

(7) A power-driven fishing vessel of less than 7 metres in length and whose maximum speed does not exceed 7 knots or a fishing vessel, including a canoe, not driven by power when underway or at anchor may, instead of the lights prescribed in sub-regulation (4) exhibit an all-round white light.

(8) Vessels engaged in fishing in close proximity with purse seine gear shall exhibit in a vertical line two yellow lights which

(a) shall flash alternately every second and with equal light and occultation duration; and

(b) shall be exhibited only when the vessel is hampered by its fishing gear.

(9) A vessel not engaged in fishing shall not exhibit the lights or shapes prescribed in these Regulations, but only those prescribed by a competent authority for a vessel of her length.

(10) A person who contravenes a provision of sub-regulations (1) to (9) commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units or to a term of imprisonment of not more than three years or to both.

Regulation 19—Equipment to be carried by motorised and non-motorised fishing vessels

(1) A power-driven fishing vessel of less than 7 metres in length shall carry

(a) one anchor;

- (b) one compass;
- (c) one horn or other instrument for producing sound signals;
- (d) fire extinguishers as may be determined by the competent authority; and
- (e) life jackets sufficient to support its normal crew.

(2) A power-driven fishing vessel of less than 12 metres but more than 7 metres in length shall carry items listed under sub-regulation (1) and in addition, carry life buoys or other buoyant apparatus sufficient to support the normal crew.

(3) A power-driven fishing vessel of more than 12 metres in length shall carry in addition to the items listed under sub-regulations (1) and (2)

- (a) inflatable life rafts to accommodate its normal crew;
- (b) flares or other pyrotechnics for distress signals of the type and quantities that the licensing officer may specify;
- (c) tow rope and accessories for towing a vessel; and
- (d) any other equipment that the Commission may determine.

(4) A non-motorised fishing vessel shall carry

- (a) a chain cable and nylon rope of 24-30 millimetres;
 - (b) one horn or other instrument for producing sound signals;
- and

(c) life jackets sufficient to support its normal crew.

(5) A person who contravenes sub-regulation (1), (2), (3) or (4) commits an offence and is liable on summary conviction to a fine of not more than one hundred and fifty penalty units or to a term of imprisonment of not more than twelve months or to both.

Regulation 20—Light and equipment to be carried by small fishing vessels

(1) A fishing vessel of less than 7 metres in length with a maximum speed which does not exceed 7 knots including a canoe whether operating under paddle or sail or powered by outboard motor, shall exhibit from sunset to sunrise or in restricted visibility during sunrise and sunset or where it is considered necessary

- (a) an all-round light of a pattern approved by the Commission, on the mast as high as possible; or
- (b) a torch light, and a flare which may be made of a piece of cloth soaked in kerosene or other inflammable oil which can be ignited to produce a substantial light in time to avoid a collision.

(2) A small fishing vessel including a canoe which is driven by an outboard motor shall whilst at sea, carry at all times

- (a) a sail and rigging of normal pattern; and
- (b) a normal complement of paddles or oars.

(3) A person who contravenes sub-regulation (1) or (2) commits an offence and is liable on summary conviction to a fine of not more than one hundred and fifty penalty units or to a term of imprisonment of not more than twelve months or to both.

Regulation 21—Fish aggregating device

(1) The use of fish aggregating device in tuna fishing shall conform with the Regulations of the International Commission for the Conservation of Atlantic Tuna.

(2) During periods of moratorium on the use of a fish aggregating device, a person shall not carry on board a tuna vessel, a radio beacon or any device associated with a fish aggregating device.

Regulation 22—Research

(1) A person who intends to conduct a research in relation to a fishery project in collaboration with the Commission shall provide the following information to the Commission:

- (a) involvement of staff of Fisheries Scientific Survey Division and any other relevant institution in the project;
- (b) counterpart funding if any; and
- (c) any other requirements mutually agreed upon by the parties.

(2) A person who conducts a research in relation to a fishery project in collaboration with the Commission shall provide the following:

- (a) data obtained and whether or not findings could be supported by data gathered; and
- (b) organisation of seminar on research findings, recommendations and technological transfer; and
- (c) any other requirements mutually agreed upon by the parties.

(3) A person who conducts a research in relation to a fishery project shall submit the research findings on the fishery project to the Commission before dissemination of the research findings.

(4) For the purposes of scientific research the Commission shall specify the methods for the disposal of catches.

(5) A person shall not use pathological materials for export and import for laboratory examination except in accordance with a permit granted by the Commission.

(6) A person who contravenes sub-regulations (3) or (5) commits an offence and is liable on summary conviction to a fine of not more than two hundred and fifty penalty units or to a term of imprisonment of not more than two years or to both.

Fishing licence

Regulation 23—Application for renewal of fishing licence

- (1) An application for renewal of fishing licence shall be as in Form C of the Schedule and upon payment of the prescribed fee as determined by the Commission.
- (2) An applicant shall submit the following:
 - (a) total catch and species in the previous year;
 - (b) annual total exports if any;
 - (c) amount of foreign exchange earned and evidence of its repatriation;
 - (d) copy of Internal Revenue Service tax for companies or expatriates where applicable;
 - (e) copy of Social Security Certificate for Ghanaian employees
 - (f) evidence of Personal Remittance Quota for Expatriates where applicable;
 - (g) previous fishing licence renewal forms; and
 - (h) any other documents that the Commission may determine.
- (3) The application fee is payable to the Commission in banker's draft on a yearly or half yearly or quarterly basis as determined by Commission.

Regulation 24—Fishing in foreign waters

A Ghanaian registered fishing vessel shall not fish in foreign waters, except in accordance with a licence issued by the Commission and subject to

- (a) evidence of Access Agreement with the relevant foreign country; and
- (b) yearly inspections which may be carried out outside this country by the competent authority of that country should be submitted to the Commission but the vessel shall call in this country once every three years for inspection.

Regulation 25—Markers on fishing gear

- (1) Each submerged stationary fishing gear or surface drifting gear shall bear conspicuous surface lighted marker which is visible in clear weather at least at a distance of one nautical mile.
- (2) A reflective marker shall be placed on the nets at intervals of twenty-five metres along the length of the net.
- (3) An unmarked net shall not be considered for compensation in case of destruction at sea.
- (4) A person who contravenes sub-regulation (2) commits an offence and is liable on summary conviction to the fine specified in section 86 (2) of the Act.

Regulation 26—English Language as a medium of communication

The Master or the second officer of an industrial fishing vessel shall be persons who can read, write and speak English language.

Regulation 27—Application for a licence to operate a canoe

- (1) A person shall not operate a canoe within the coastal waters or riverine system of this country for the purpose of fishing or in connection with fishing activity unless the canoe has been licensed by the Commission or a person authorised by the Commission.
- (2) An application for a licence to operate a canoe shall be as in Form D of the Schedule and shall be accompanied by the appropriate fee.
- (3) A person responsible for the safety of a canoe during fishing operations shall possess a Certificate of Competency issued by the competent authority as in Form E of the Schedule.

Regulation 28—Transfer of licence

- (1) A canoe licence is not transferable except with the prior written approval of the Commission or a person authorised by the Commission.
- (2) A person who contravenes sub-regulation (1) commits an offence and is liable on summary conviction to the fine specified under section 57 (3) of the Act.

Regulation 29—Brush-park fishing or “atidza” “(acadja)”

- (1) A person who intends to undertake “atidza” shall apply for a permit from the appropriate authority that controls that area and the Commission is informed of the authorisation issued for the operation of “atidza” (“acadja”);
- (2) A person undertakes “atidza” (“acadja”) shall
 - (a) not position the “atidza” (“acadja”) in a manner to obstruct navigation, and
 - (b) use a net with a mesh size of not less than fifty millimetres.
- (3) A person who contravenes sub-regulation (1) or (2) commits an offence and is liable on summary conviction to a fine of not more than one hundred and fifty penalty units or to a term of imprisonment of not more than twelve months.

Regulation 30—Trial fishing

- (1) A person shall not undertake trial fishing unless that person has been authorised by the Minister on the recommendation of the Commission.
- (2) A person authorised to undertake trial fishing shall pay a fee determined by the Commission.
- (3) In determining the fee the Commission shall take into consideration the period of the trial fishing and the type of boat and gear to be used.
- (4) The trial boat shall carry an observer.

(5) A person who contravenes sub-regulation (1) commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units or to a term of imprisonment of not more than three years or to both.

Regulation 31—Incidental catches

(1) Subject to these Regulations, a person who catches gravid lobsters, other crustaceans, any juvenile fish as by - catches or incidental catches shall release them immediately to their natural habitat or environment in a manner that causes them no harm.

(2) A person who contravenes sub-regulation (2) commits an offence and is liable on summary conviction to the fine specified under section 89 (3) of the Act.

Regulation 32—Dumping of fish

(1) A person fishing

(a) under the authority of a licence issued for commercial fishing shall not dump from any vessel, fish that has been caught which is suitable for human consumption; or

(b) for personal use or for seafood shall not dump fish that is suitable for human consumption.

(2) A person who contravenes

(a) sub-regulation (1) (a) commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units or to a term of imprisonment of not more than three years or to both.

(b) sub-regulation 1 (b) commits an offence and is liable on summary conviction to a fine of not more than fifty penalty units or to a term of imprisonment of not more than three months or to both.

Regulation 33—Transshipment of fish

(1) A person shall not tranship fish from a Ghanaian fishing vessel to a foreign fishing vessel that is not licensed under the Act or vice-versa.

(2) A person shall not tranship fish from a Ghanaian industrial vessel to a semi-industrial vessel or to canoes or vice-versa.

(3) A person shall not transfer fish from one canoe to another canoe or from a semi-industrial to a canoe except in areas where there are no safe landing facilities and with the consent of the owners.

(4) A fishing vessel of fifty gross registered tonnage and above or licensed as an industrial vessel shall deposit their catches at approved ports in the country.

(5) A person shall not transfer fish from one canoe to another canoe or from a semi-industrial vessel to a canoe except in verifiable emergency situations.

(6) A carrier or a servicing vessel that services the fishing operations of a vessel in the fishing waters of this country shall be licensed by the Commission.

(7) A vessel calling at a port to carry fish outside this country shall pay the appropriate transshipment fee to the Commission.

(8) Transshipment of fish can only be undertaken at authorised ports.

(9) A carrier shall declare its load at the authorised port before transshipment.

(10) A person who contravenes sub-regulations (1), (2), (3), (4) or (5) commits an offence and is liable on summary conviction to the fine specified under section 132 (2) of the Act.

Compliance measures

Regulation 34—Vessel sighting report

(1) A Ghanaian registered vessel shall report immediately to the appropriate authority the sighting of a vessel fishing in the Exclusive Economic Zone of Ghana that appears to be unlicensed or unregistered in Ghana.

(2) A vessel sighting report shall be as in Form F of the Schedule.

(3) Where the information given in the vessel sighting report leads to the arrest, prosecution and conviction of a person or persons involved in the illegal fishing, the informant shall be rewarded as determined by the Commission.

Regulation 35—Observers

(1) The Minister shall on the recommendation of the Commission designate as an observer any person with the requisite expertise and knowledge who

(a) does not hold a licence issued for commercial fishing;

(b) does not purchase fish for the purpose of retail; and

(c) is not an owner, operator or manager of an enterprise that catches, processes or transports fish.

(2) An observer shall

(a) monitor fishing activities;

(b) examine and measure fishing gear, scientific data and other observations and take samples in accordance with sampling plans;

(c) monitor landed fish and ascertain the weight and species of fish caught and retained while at wharf;

(d) conduct biological examination and sampling of fish which includes total plate count parasites, pathogenic microbes and faecal indications; and

(e) carry out any other duties that the Commission may determine.

Regulation 36—Certificate of designation

(1) The Commission shall provide each observer with a certificate specifying the observer's designation and duties to be performed.

(2) An observer shall show on request the certificate of designation to the person in charge of the place on entering a place for the performance of duties.

Regulation 37—Inspectors

(1) For the purposes of ensuring compliance with the Act, the Minister may appoint Fisheries Protection Officers or Surveillance Officers as Inspectors who may board a fishing vessel found within Ghanaian waters for inspection.

(2) The Inspectors may exercise the powers conferred on a police officer and authorised persons under section 96 of the Act.

(3) Where a vessel is arrested the inspectors in the arrested vessel and the law enforcement officers shall comply with the reporting procedures as set out in Form G of the Schedule.

Regulation 38—Duties of Master and crew towards authorised inspectors

(1) The Master and crew of a vessel shall provide boarding ladder to enable an inspector to embark and disembark safely at sea and in port.

(2) The boarding ladder shall be kept clean and in good order.

(3) The ladder shall be positioned and secured

(a) to keep it clear of any possible discharges from the vessel,

(b) to keep it clear of the finer lines and as far as practicable in the mid length of the vessel, and

(c) in such a manner that each step rests firmly against the vessel's side.

(4) The steps of the boarding ladder shall

(a) be of hardwood or other material of equivalent property made in one piece free of knots but the four lowest steps may be made of rubber of sufficient strength and stiffness, or of other suitable material of equivalent characteristics;

(b) have an efficient non-slip surface;

(c) be not less than 480 mm long, 115 mm wide and 23 mm in thickness, excluding any non-slip device or grooving;

(d) be equally spaced and not less than 300 mm or more than 380 mm apart; and

(e) be secured in a manner that it will remain horizontal.

(5) A boarding ladder shall not have more than two replacement steps which are secured in position by a method different from that used in the original construction of the ladder.

(6) Any steps differently secured under sub-regulation (5) shall be replaced as soon as reasonably practicable by steps secured in position by the method used in the original construction of the ladder.

(7) When any replacement step is secured to the side ropes of the boarding ladder by means of grooves in the side of the step, the grooves shall be in the longer sides of the steps.

(8) The side ropes of the ladder shall consist of two uncovered manila or equivalent ropes of not less than 60 mm in circumference on each side.

(9) Each rope shall be left uncovered by any other material and be continuous with no joints below the top step and the two main ropes, properly secured to the vessel and not less than 65 mm in circumference and a safety line shall be kept at hand ready for use if required.

(10) Battens made of hardwood, or other material of equivalent properties, in one piece, free of knots and between 1.8 m and 2 m long, shall be provided at intervals that will prevent the boarding ladder from twisting.

(11) The lowest batten shall be on the fifth step from the bottom of the ladder and the interval between any batten and the next shall not exceed nine steps.

(12) A means shall be provided to enable the boarding ladder to be used on either side of the vessel.

(13) The Inspector in charge may indicate which side the boarding ladder shall be positioned.

(14) Where constructional features such as rubbing bands would prevent the implementation of any of these provisions on any vessel special arrangements shall be made to ensure that inspectors are able to embark and disembark safely.

(15) A person who contravenes a provision of sub-regulation (1) to (14) commits an offence and is liable on summary conviction to the fine specified under section 101 (5) of the Act.

Regulation 39—Duty to provide safe passage for Inspectors

(1) The Master and crew shall provide a safe and convenient passage for Inspectors embarking on or disembarking from the vessel between the head of the boarding ladder or any accommodation ladder any other appliance provided and the boarding vessel.

(2) Where the passage is by means of a gateway in the rails or bulwark, adequate handholds shall be provided.

(3) Where the passage is by means of a bulwark ladder

(a) the ladder shall be securely attached to the bulwark rail or platform and two handhold stanchions shall be fitted at the point of boarding or leaving the vessel with a distance of not less than 0.70 m or more than 0.80 m between them;

and

(b) each stanchion shall be rigidly secured to the vessel's structure at its base or near its base at a higher point and shall not be less than 40 mm in diameter and extend not less than 1.20 m above the top of the bulwark.

(4) A person who contravenes a provision of sub-regulation (1) to (3) commits an offence and is liable on summary conviction to the fine specified under section 101 (5) of the Act.

Regulation 40—Duty to provide light at night on fishing vessel

(1) The Master and crew shall provide light at night to brighten the over side boarding ladder at the position where the inspector boards the vessel.

(2) A lifebuoy equipped with a self-igniting light shall be kept at hand ready for use.

(3) A heaving line shall be kept at hand, ready for use if required.

(4) A person who contravenes sub-regulation (1), (2) or (3) commits an offence and is liable on summary conviction to the fine specified under section 101 (5) of the Act.

Monitoring mechanisms

Regulation 41—Fisheries Monitoring Centres

Fisheries Monitoring Centres shall be established at designated locations to monitor, search or rescue fishing vessels in distress regardless of the waters or the port they operate in.

Regulation 42—Operation of vessel monitoring systems

A Ghanaian registered and licensed industrial fishing vessel shall not proceed to sea without an operational monitoring device prescribed by the Commission installed on the vessel.

Regulation 43—Characteristics of monitoring devices

A monitoring device installed on board a fishing vessel shall transmit to the Fisheries Monitoring Centre relevant data including the catch returns of the vessel.

Regulation 44—Responsibilities concerning the monitoring devices

(1) The Master of a fishing vessel shall ensure that a monitoring device is fully operational at all times and that, the data referred to in Regulation 43 is transmitted to a Fisheries Monitoring Centre.

(2) The Master of a fishing vessel shall ensure that the catch data is not altered.

(3) A person shall not destroy, damage, render inoperative or interfere with a monitoring device.

Regulation 45—Frequency of data transmission

(1) The Master of a fishing vessel shall ensure that a Fisheries Monitoring Centre receive, at least once in every two to six hours, through the monitoring device the data required under regulation 43.

(2) The Fisheries Monitoring Centre may require the Master of a vessel to provide the data at shorter time intervals, but the total catch for all hauls shall be transmitted to Fisheries Monitoring Centres within twelve hours.

(3) Where a fishing vessel is in port, the monitoring device may be switched off, subject to prior notification of the Fisheries Monitoring Centres if the next report shows that the fishing vessel has not changed its position in relation to the previous report.

Regulation 46—Monitoring of entry into and exit from specific areas

Each Master shall ensure that, through the monitoring device, Fisheries Monitoring Centres shall monitor the date and time of entry and exit of a fishing vessel to and from

- (a) any maritime areas where specific rules on access to waters and resources apply; and
- (b) the regulatory areas of the Regional Fisheries Management Organizations to which Ghana is a party.

Regulation 47—Technical failure or non-functioning of the monitoring device

(1) In the event of a technical failure or non-functioning of a monitoring device, the Master or the owner of the vessel or their representative shall communicate every two hours, or at a shorter interval as specified by the Fisheries Monitoring Centres, any information required by the Fisheries Monitoring Centres from the time of notification of failure of a monitoring device.

(2) The reports required under sub-regulation (1) must continue until a monitoring device is confirmed to be operational by the Fisheries Monitoring Centres.

(3) A fishing vessel shall not leave port, if a technical failure or non-functioning, of a monitoring device is detected.

(4) A Fisheries Monitoring Centre shall inform a Master or an owner of the vessel or its representative of defectiveness or non-functioning of a monitoring device fitted on board a fishing vessel.

(5) The Commission shall request the replacement of a defective monitoring device.

(6) Masters of vessels shall ensure the continuous monitoring of the international distress and calling frequency 2182 kHz (HF) and the international safety and calling frequency 156.8 MHz (channel 16, VHF-FM) to facilitate communication with the Fisheries Monitoring Centres.

Regulation 48—Non-receipt of data

Where a Fisheries Monitoring Centre does not receive data transmission for twelve hours, the Commission may call the vessel to port, and where the situation occurs more than three times within a period of one year in respect of a particular vessel, the Minister shall in consultation with the Commission suspend or cancel the licence for a period of not less than six months or not more than twelve months.

Regulation 49—Offences in respect of monitoring devices

(1) A Master, crew member or an agent of a vessel who tampers with, destroys, damages, renders inoperative or otherwise interferes with a monitoring device commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units or to a term of imprisonment of not more than two years or to both.

(2) A Master of a vessel who violates the terms and conditions of a monitoring device, including the failure

(a) to activate the monitoring device on entry into specified fishing zones;

(b) to provide manual reports when directed by the Fisheries Monitoring Centres while in a zone in the event of breakdown of a monitoring device;

(c) to stow fishing gear and leave the zone in the event that manual reports cannot be provided; and

(d) to take the vessel to a nominated port for the repair of a monitoring device when directed by the Fisheries Monitoring Centres, commits an offence and is liable summary conviction to a fine of five hundred penalty units, or to a term of imprisonment not exceeding two years or to both.

(3) Where a fishing vessel is used in contravention of regulation (1) or (2), the owner, Master or charterer of the vessel individually commits an offence and is liable on summary conviction to a fine of one hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both and in addition, the licence of the vessel may be withdrawn and the Master suspended from operating in the maritime waters of Ghana.

Regulation 50—Official fishing logbook

(1) There shall be kept in a Ghanaian fishing vessel with a monitoring device installed on it, a fishing logbook in addition to other ship logbooks required by law.

(2) The Master of a vessel shall record and sign entries required to be made in the fishing log book in the English language and shall specify

(a) the catch; and

(b) catch by species, taken in the fishery waters of Ghana including the high seas and certify that the information accurate.

(3) The master of a fishing vessel shall

(a) ensure that accurate records of catch discarded at sea are maintained and submitted to the appropriate authority, and

(b) provide the Commission on prescribed Forms, a preliminary report within 14 days of the completion of a trip, and a final report within 30 days of the completion of a trip.

(4) A person

(a) who contravenes sub-regulations (1) to (3); or

(b) wilfully destroys, or renders illegible an entry in a fishing log book, or assists in making a false or fraudulent entry in, or omission from fishing log book,

commits an offence and is liable on summary conviction to a fine of two hundred and fifty penalty units or to a term of imprisonment not exceeding two years or to both.

Regulation 51—Access to data

Data received under this Regulation shall be treated in a confidential manner but may on specific request be given to an international body of which Ghana is a member subject to the approval of the Commission.

Aquaculture

Regulation 52—Permit for aquaculture operation

(1) An aquaculture or aquaculture related activity shall only be undertaken after an environmental permit has been obtained from the Environmental Protection Agency in compliance with the Environmental Assessment Regulations, 1999 (L.I. 1652).

(2) The Commission shall issue a permit for aquaculture operations after receipt of an environmental permit from the Environmental Protection Agency.

(3) A permit for water usage in accordance with the Water Resources Commission Act, 1996 (Act 522) shall be obtained.

(4) A person, institution, organisation or establishment shall not carry out aquaculture without measures to guarantee confinement of the fish to prevent escape from the rearing facility.

(5) The Commission shall not allow exotic species to be introduced in fish farming unless the Commission has adequate knowledge of the biology and life history of the species indicating low risk, and has granted permission to be introduced.

(6) A person, institution or organisation or establishment who undertakes an aquaculture related activity without a permit commits an offence and is liable on summary conviction to a fine of not less than one hundred and fifty penalty units.

Regulation 53—Application for aquaculture establishment

(1) A person who intends to operate an intensive or semi-intensive production type of aquaculture establishment shall not construct, reconstruct or adapt an aquaculture facility without the approval of the Commission.

(2) An application for approval under sub regulation (1) shall be as in Form H of the Schedule and shall be accompanied with the following:

(a) a plan of the establishment; and

(b) a list of the activities to be carried out by the establishment;

(3) The Commission may approve the plan if it meets the requirements given in the National Aquaculture Guidelines or any relevant guidelines that the Commission may approve.

(4) An establishment, which meets the requirements in the National Aquaculture Guidelines, may be issued with the Aquaculture Establishment Certificate as set out in Form I of the Schedule.

(5) The Commission shall determine details of fees to be paid for permits and other aquaculture services based on the type and scale of production.

(6) A person who seeks to carry out activities other than those for which approval is given shall apply in writing to the Commission for further consideration and approval.

(7) An establishment which carries out activities other than those approved by the Commission commits an offence and every officer of the establishment is liable on summary conviction to a fine not exceeding one hundred and fifty penalty units or to imprisonment for a term of not more than twelve months or to both.

Regulation 54—Refusal to approve an aquaculture establishment

(1) The Commission may refuse to approve an aquaculture establishment if the project is not in the public interest.

(2) A person aggrieved by the refusal of the Commission may appeal to the Minister within thirty days from the date of receipt of the refusal for redress.

(3) The Minister shall constitute an appeals panel to consider the matter and advise the Minister accordingly.

(4) The membership of an appeals panel consists of a representative each from the Environmental Protection Agency, the Fish Farmers Organization, the Attorney-General's Department, a Civil Society Organization and the Inland Fisheries and Aquaculture Division of the Fisheries Commission.

Regulation 55—Regular monitoring and inspection of aquaculture establishment

The Commission or its agent shall have the authority to enter any aquaculture facility for the purposes of monitoring and ensuring compliance with the provisions of these Regulations.

Regulation 56—Fish seed production certificate and fish transfer permit

(1) A person shall not produce, distribute or sell fish seed without a fish seed production certificate issued by the Commission.

(2) An application for fish seed production certificate shall be as in Form J of the Schedule and addressed to the Commission.

(3) A fish seed production certificate shall be as in Form K of the Schedule.

(4) For the purposes of avoiding transmission of diseases and parasites or pathogens in a hatchery that deals with fish seed production, the Commission shall issue a sanitary or health certificate as

in Form L of the Schedule upon the recommendation of the Health Unit of the Commission in respect of fish seed leaving the hatchery.

(5) An application for fish seed or live fish transfer within Ghana shall be as in Form M of the Schedule.

(6) The Commission shall issue a permit for the transfer of fish seed or live fish within Ghana as set out in Form N of the Schedule.

(7) The Commission may refuse to give permission for transfer of live fish if the live fish to be transferred comes from

(a) an infested facility; or

(b) a District that has an outbreak of disease.

(8) A fish seed production certificate shall be issued on payment of the prescribed fee.

Regulation 57—Withdrawal of fish seed production certificate

The Commission upon the recommendation of an Aquaculture inspector shall withdraw a fish seed production certificate if the production of fish seed, the hatchery or breeding facilities and the brood stock are not in accordance with the Guidelines and Code of Practice of Aquaculture as established by the Commission.

Regulation 58—Reasons for refusal to issue a fish seed production certificate

(1) Where the Commission refuses to issue a fish seed production certificate, the Commission shall communicate in writing the reasons for the refusal to the establishment or applicant within thirty days from the date of receipt of the application.

(2) A person aggrieved by the refusal of the Commission may appeal to the Minister within thirty days from the date of receipt of the refusal for redress.

Regulation 59—Fish breeding permit

(1) A person, institution, organisation or an establishment shall not engage in fish breeding without a permit issued by the Commission.

(2) The application for fish breeding permit shall be as set out in Form O of the Schedule and addressed to the Commission.

(3) A Fish Breeding Permit shall be as in Form P of the Schedule.

Regulation 60—Reasons for refusal to grant fish breeding permit

(1) Where the Commission refuses to grant a fish breeding permit, the Commission shall communicate in writing the reasons for refusal to the applicant within thirty days of receipt of the application

(2) A person aggrieved by the refusal of the Commission may appeal to the Minister within thirty days from the date of receipt of the refusal for redress.

Regulation 61—Unauthorised aquaculture practices

(1) A person or establishment shall not carry out aquaculture production in a manner that

- (a) degrades the environment;
- (b) introduces new species apart from those approved for that area; and
- (c) compromises the safety of food fish.

(2) A person or establishment that contravenes sub-regulation (1) commits an offence and is liable on summary conviction to a fine of not more than one hundred and fifty penalty units or to a term of imprisonment of not more than twelve months or to both.

Regulation 62—Tampering with aquaculture establishment

(1) A person shall not add an item or organism or deleterious substance to an aquaculture facility without the knowledge and consent of the owner.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable on summary conviction to penalties specified in the Environmental Protection Agency Act, 1994 (Act 490), Food and Drugs Act, 1992 (PNDCL 305B) and Fisheries Act, 2002 (Act 625).

Regulation 63—Aquaculture inputs permit

(1) A person or establishment that intends to engage in

- (a) the production of aquaculture inputs for sale and distribution; or
- (b) the importation of fish feed and other aquaculture inputs apart from drugs and chemicals for aquaculture use,

shall submit an application as in Form Q for approval by the relevant authorities.

(2) The use of chemicals or drugs in aquaculture shall be in accordance with the Environmental Protection Agency Act, 1990, (Act 490) and Food and Drugs Act, 1992 (PNDCL 305B)

Regulation 64—refusal to issue aquaculture inputs permit

(1) The Commission may refuse to issue an aquaculture permit for import, export, production or sale of aquaculture inputs for use in aquaculture if the inputs pose an unacceptable risk.

(2) Where the Commission refuses to issue an aquaculture permit the Commission shall communicate in writing the reasons for the refusal to the applicant.

(3) A person aggrieved by the refusal of the Commission may appeal to the Minister within thirty days from the date of receipt of the refusal for redress.

Regulation 65—Aquaculture research

A modified or improved living organism that is a product from aquatic research shall be under quarantine and shall only be released from quarantine with the written consent of the Commission.

Regulation 66—Certification or approval of generated product from aquaculture research

(1) The Commission shall not certify or approve a generated product or technology for aquaculture production purposes, unless a certification or approval of the generated product from aquaculture research has been approved by the relevant regulatory Institution.

(2) Where the Commission refuses to certify or approve a product or technology, that product or technology shall be seized and destroyed or rendered harmless by the Commission or its agents.

Regulation 67—Aquaculture record keeping

(1) A person or an establishment involved in aquaculture production shall keep records and regularly compile an annual fish farm data in a format as set out in Form R of the Schedule.

(2) The compiled data as part of an annual report, including information on clients engaged in fish seed production shall be submitted by the person or management of the establishment to the Commission as the Commission shall determine.

(3) The Commission may revoke a certificate granted to an establishment where the management of the establishment fails to keep or provide aquaculture production records to the Commission.

Regulation 68—Aquaculture harvesting gears

(1) Harvesting gear used in aquaculture shall not be used to capture fish from the natural waters.

(2) A person who uses harvesting gear in contravention of sub-regulation (1) commits an offence and is liable on summary conviction to a fine of not more than one hundred and fifty penalty units or to term of imprisonment of not more than twelve months or to both.

Regulation 69—Importation of live fish

(1) A person shall not import live fish or exotic fish species including eggs and gametes for purposes of aquaculture without a permit issued by the Commission.

(2) A permit issued under sub-regulation (1) shall include the importation of ornamental fish species.

(3) An application for a permit to import a live ornamental fish shall be as in Form S of the Schedule to these Regulations.

(4) A live fish import permit shall be as in Form T of the Schedule and shall be issued on payment of the fees prescribed by the Commission

(5) A health certificate from the country of origin shall accompany the consignment at the port of entry for examination as set out in Form U.

(6) Imported live fish shall be quarantined by the Commission and the cost of the quarantine shall be borne by the importer.

(7) The duration for processing an application for live fish imports shall not exceed thirty working days from the date of receipt of the application.

Regulation 70—Export of live fish

(1) A person shall not export live fish including authorized species of ornamental fish or their gametes without a fish export Health Certificate issued by the Commission.

(2) A fish export health certificate shall be

(a) subject to the conditions that may be considered necessary by the Commission; and

(b) as set out in Form V of the Schedule on payment of fees as prescribed by the Commission.

(3) The fish export health certificate from Ghana, signed by the competent authority shall accompany the consignment.

Regulation 71—Penalty for failure to comply with aquaculture requirements

A person, institution or establishment in charge of or engaged in aquaculture that fails to take reasonable steps to ensure compliance with these Regulations, in respect of aquaculture activities commits an offence and is liable on summary conviction to a fine of not more than one hundred and fifty penalty units or to imprisonment for a term of not more than twelve months or to both.

Regulation 72—Reasons for refusal to issue a permit for transfer of fish and fish seed

(1) Where the Commission refuses to issue a permit for transfer of fish and fish seed, it shall communicate in writing to the applicant the reasons for the refusal, within thirty days from the date of receipt of the application.

(2) A person aggrieved by the refusal of the Commission may appeal to the Minister within thirty days from the date of receipt of the refusal for redress.

Miscellaneous matters

Regulation 73—Falsification of documents

(1) A person shall not falsify or unlawfully alter, destroy, erase or obliterate any declaration, certificate or other document made or issued under these Regulations.

(2) A person who acts contrary to sub-regulation (1) commits an offence and is liable on summary conviction to the fine specified under section 128 (4) of the Act.

Regulation 74—Navigational hazards and water quality

(1) The positioning of pens, cages and the concentration of such structures shall be such as not to hamper navigation, water circulation and water quality.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable on summary conviction to a fine of not more than one hundred penalty units or to a term of imprisonment of not more than six months or to both.

Regulation 75—Use of drugs or chemicals

(1) A person shall not use a chemical or drug in any aquaculture establishment without a valid prescription by a veterinary officer.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable, on summary conviction, to a fine of not more than two hundred penalty units or to a term of imprisonment not exceeding fifteen months or to both.

Regulation 76—Minimum sanitary requirements

(1) A fishing vessel shall have minimum sanitary requirements as set out in the relevant regulations of the competent authority

(2) The inspection of hygienic requirements on board a fishing vessel shall be conducted by the competent authority.

Regulation 77—Sanitary condition of fish landings

A fish inspector from a competent authority shall inspect fish landings for their quality and sanitary status at landing sites.

Regulation 78—Importation of fish and fish products

(1) Fish imported in the country shall

(a) have an accompanying health certificate signed by a competent authority of the exporting country, and

(b) specify the origin of fish on the certificate.

(2) Fish imported into Ghana shall be

(a) delivered in its imported condition;

(b) in conformity with the fish and fish products specified in the permit

to facilitate inspection by a Fisheries Inspector from the competent authority.

Regulation 79—Interpretation

In these Regulations unless the context otherwise requires

“Act” means the Fisheries Act, 2002 (Act 625);

“approved ports” means the Sekondi, Takoradi, Tema Ports and any other designated ports;

“aquaculture harvesting gear” means gear constructed with nets of mesh size less than 25 mm diagonally stretched;

“atidza” “(acadja)” means a local name for brush-park fishing;

“brush-park fishing” means a method of fishing whereby a device made up of large amounts of branches of trees is set mainly in shallow areas of inland water bodies and left for a reasonable time to aggregate fish for harvesting;

“bulwark” means the planking or woodwork, or steel plating in the case of steel ships, along the sides of a ship above its upper deck to prevent seas washing over the gunwales. It also helps to prevent any person on board who inadvertently falls from being washed overboard in rough weather;

“call sign” means a unique designation for a transmitting station;

“chaffer” means an outer cover of the codend to protect it from damage during trawling operations;

“codend” means a bag-like extension that is attached to the end of the belly of a net to retain the catch;

“Commission” means the Fisheries Commission established under section 1 of the Fisheries Act, 2002 (Act 625);

“commercial fish farming” means any fish farming that makes profit or has profit as its objective;

“drag net” means a fishing gear which is towed or dragged to harvest fish such as a trawl net;

“exotic species” means any fish that is not indigenous to Ghana;

“fish aggregating device” means any device which attracts fish to a common place to make them easily caught;

“fish seed” means planting material of fish from initial culture stage to harvest size; and includes gametes, milt or fertilised and unfertilised eggs;

“fishing craft” includes a canoes, semi-industrial and industrial vessels;

“flare” means a fire or blaze of light used especially to signal, illuminate or attract attention;

“juvenile fish” means fishes with sizes lower than recommended sizes for commercial catch;

“low risk” means fishes when introduced has the minimal potential to alter the composition and structure of the ecosystem;

“manila rope” means a type of rope made from fibre obtained from the leaves of the abaca plant;

“marine protected areas” means areas in the marine fisheries where fishing is not allowed for one reason or the other such as fish breeding grounds;

“mast head light” means white light placed over the fore and aft centreline of the vessel showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on either side of the vessel;

“multifilament net” means a net whose material is made of many several different strands woven together;

“natural waters” includes water bodies such as streams, rivers, lakes, lagoons or semi-artificial water bodies including reservoirs and man-made lakes such as the Volta lake;

“nifa-nifa” is a local name used for the drift gill net whose introduction coincided with the changeover of driving on the left side of the road to the right side of the road in Ghana in 1974;

“obnoxious materials” includes any chemical that has the potential to cause irreversible damage to the eco-system or public health when used or applied even in low quantities and chemicals banned for use in Ghana in accordance with relevant environmental treaties ratified by Ghana;

“observer” means a person with the requisite expertise and knowledge who does not hold a commercial fishing licence, purchase fish for retail, is not an owner, operator or manager of a fishing enterprise who possesses a certificate of designation and is appointed by the Minister upon the Commission's recommendation;

“occultation duration” means the duration of darkness of an occulting light;

“occulting light” means a rhythmic light in which the total duration of light in each period is clearly longer than the total duration of darkness and in which the intervals of darkness are all of equal duration and it is normally used in light signals in lighthouses and lighted buoys;

“pair trawling” means a fishing method involving two fishing vessels towing one trawl net between them with the net opening horizontally;

“penalty unit” means the value of the penalty as contained in the Interpretation Act, 2009 (Act 792) as amended;

“port side” means the left side;

“pyrotechnics” means explosions, flashes, smoke, flames, fireworks or other propellant driven effects used mainly for safety and lifesaving;

“radio” means a device for communication that transmits signals by modulation of electromagnetic waves with frequencies below those of visible light;

“rigging” means the mechanical sailing apparatus attached to the hull in order to move the boat as a whole and includes cordage that is ropes attached to the spars and sails in order to manipulate their position and shape, sails that is aerofoils, usually made of fabric, used to catch the wind and spars that is masts and other solid objects sails attached to them;

“riverine system” means a natural drainage system, comprising rivers and their tributaries which originate from their sources and terminate at their estuaries, and includes any lagoon, lake, impoundment, dam or weir artificially created on the riverine system;

“seine net” means a fishing gear which is used to surround a school of fish or to surround an area, then hauled to remove the catch, such as beach seine or boat seine;

“shipboard” means taking place, used, or intended for use aboard a ship;

“side light” means a green light on the starboard side and a red light on the port side each showing an unbroken light over the arc of the horizon of 112.5 degrees so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective sides and for a vessel of less than 20 metres in length, the side lights may be combined in one lantern carried on the fore and aft centreline of the vessel;

“skiff” means a type of small boat;

“stanchions” means an upright bar or post, often providing support for some other objects;

“starboard side” means the right side;

“stern light” means a white light placed as nearly as practicable at the stem showing an unbroken light over the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel

“stow” means to put cargo, provisions or gear in the proper place or place intended for them;

“superstructure” means the part of a ship which projects above the main deck and does not include masts or gun turrets;

“turtle exclusive device” means a device so constructed and when inserted in a fishing net allows for the escape of live turtles;

“water body” means any collection of water be it marine or inland;

“waterline” means the International Load Line or Plimsoll Line (waterline), positioned amidships and indicates the legal limit to which a ship may be loaded for specific water type and temperatures; and

“water ways” means a navigable water way along which the courses of vessels can safely be managed or directed.

FORM A

APPLICATION FOR REGISTRATION OF MOTOR FISHING VESSEL AND/OR FISHING LICENCE

(Regulation 3 (2))

1. Owner(s)/Company:

(a) Name(s) of Owner(s)/Company:

.....

(b) Postal Address:

.....

(c) Office Address:

.....
(d) Telephone Number(s):

2. Shareholding Structure

Names of Shareholders	Nationality	Percentage Shares
(a)
(b)
(c)
(d)

3. Vessel Registration Details

(a) Name of Vessel: Country of Origin:.....

(b) Former Name of Vessel:
.....

(c) i. Type of Vessel: ii. Year Built:

iii. Hull Material:

4. (a) Length Overall (LOA):Metres

(b) Beam/Width Metres

(c) Draught:Metres

5. (a) Gross Registered Tonnage (G.R.T.):

(b) Net Registered Tonnage (N.R.T.):

6. (a) Engine Make : (b) Engine No.:.....

(c) Engine Horse Power:

7. Port of Registry: (a) Present (b) Former.....

8. Valid Safety Certificate to be attached

9. Valid radio certificate to be attached

10. Survey Report to be attached

11. Details of Purchase:

(a) Direct Purchase (Evidence of payment to be attached)

From

Issued at

.....
..... this.....day of
..... 20.....

.....
Name of authorising officer

.....
Signature of authorizing officer

TABLE 1

MINIMUM LANDING SIZES OF COMMERCIALY IMPORTANT FISH SPECIES

(Regulation 14 (1))

Scientific name	Common English name	Min. size/weight
Paeneus notialis	Shrimp	1.5 cm CL
Panulirus regius	Spiny Lobster	12 cm CL
Pagellus bellotti	Red Pandora	14 cm
Dentex canariensis	Canary dentex	22 cm
Sparus caeruleostictus	Blue spotted seabream	18 cm
Sepia officinalis	Cuttlefish	14 cm ML
Lutjanus fulgens/goreensis	Red snappers	16 cm
Galeoides decadactylus	Thredfin	16 cm
Pseudolithus senegalensis	Cassava fish	18 cm
Pseudupeneus prayensis	Red Mullet	14 cm
Epinephelus aeneus	Grouper	42 cm
Sphyraenna spp	Barracudas	30 cm
Pomadasys incisus	Roncador	14 cm
Pomadasys jubelini	Burro	18 cm
Chloroscombrus chrysurus	Bumper	10 cm
Decapterus punctatus	False mackerel	10 cm
Sardinella aurita	Round sardine	18 cm
Sardinella maderensis	Flat sardine	18 cm

Brachydeuterus auritus Burrito 14 cm
 Scomber japonicas Chub mackerel 18 cm
 Caranx rhocus/crysos Scad mackerel 21 cm
 Engraulis encrasicolus Anchovy 6 cm
 Thunnus obesus Bigeye tuna 55 cm
 Thunnus albacares Yellow fin 55 cm

(CL — carapace length, ML — mantle length, fish species measured in fork length)

The licencing officer shall periodically authorise inspection of fish caught and landed at port by Ghanaian Flagged Vessels, to comply with the minimum size restrictions.

Any violation of the minimum size limits shall be liable to confiscation of the said catch and or fines as directed by the licencing officer.

FORM C

APPLICATION FOR A FISHING LICENCE/RENEWAL

(Regulation 23(1))

Permission is hereby granted to
of
 to fish in the marine waters of Ghana from.....day of
 Until day of
 20.....

Subject to the following conditions.

.....

Licence Fee per annum for Operating Vessels:

Vessel	Fee US (\$)
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Inshore

Industrial:

Wholly Ghanaian companies

Joint venture ownership/Hire purchase agreement:

Trawlers up to 300 GRT

Trawlers in excess of 300 GRT

Shrimpers up to 200 GRT

Shrimpers in excess of 200 GRT

Tuna pole and line up to 500 GRT

Tuna pole and line in excess of 500 GRT

Tuna purse seiners up to 1000 GRT

Tuna purse seiners in excess of 1000 GRT

Issued at this

..... day of 20

.....
Name of authorising officer Signature of authorizing officer

FORM D

APPLICATION FOR REGISTRATION AND LICENCE TO OPERATE A FISHING CANOE

(Regulation 27 (2))

1. Owner(s) Details:

(a) Name(s) of Owner(s)/Company:

.....
.....
.....

(b) Postal Address:

House No.
.....

Name of Assembly

.....
.....
.....

(c) Office Address:

.....
.....
.....
.....

(d) Telephone Number(s)

:.....
.....
.....

1. Shareholding Structure (where applicable)

Name of Shareholders Nationality Percentage Shares

- (a)
- (b)
- (c)
- (d)

2. Canoe Registration Details

i. Name of Canoe (Symbol):

ii. Former Name of Canoe (Symbol):

iii. Type of Canoe: Year Built:

iv. Length Overall (LOA): Metres

v. Mechanized Not Mechanized:

vi. Outboard Motor Name: Horsepower:

vii. Operational Base:

viii. Safety Equipment:

iv. Location

v. Registration number

Description Number

Paddles
.....

Sails
.....

Life Jackets
.....

Compass
.....

Crew Details

Name of Bosun: Certificate No.
.....

Name of Mechanic: Certificate No.
.....

Total Number of Crew:
.....

FORM E

CERTIFICATE OF COMPETENCY—FISHING COXSWAIN

(Regulation 27(3))

Fee Paid GH¢ Registration No.
:.....

I hereby certify that
.....

Name

of
.....
.....

Address

Is competent to serve as a fishing coxswain of a motor fishing vessel not exceeding 60 Gross Registered Tons.

Issued at this
.....

..... day of20
.....

.....
Name of authorising officer Signature of authorising officer

FORM F

VESSEL SIGHTING REPORT

(Regulation 34 (2))

NAME OF OBSERVER/REPORTER

NAME OF OBSERVER'S VESSEL

NAME OF CAPTAIN / BOSUN

POSITION OF OBSERVER'S VESSEL

NAME OF SIGHTED VESSEL

HULL COLOUR OF SIGHTED VESSEL

DESCRIPTION OF SIGHTED VESSEL

.....
ANY OTHER IDENTIFICATION MARK ON SIGHTED VESSEL

.....
NAME OF WITNESS ON BOARD OBSERVER'S VESSEL

.....
DATE AND TIME OF OBSERVATION

SIGNATURE OF OBSERVER / REPORTER

FORM G

REPORT OF ARREST OF FISHING VESSEL

(Regulation 37(3))

PART A. STATEMENT BY ARRESTING OFFICER

Particulars of fishing vessel

Name of fishing craft (if any)

.....

Registered number of fishing vessel

.....

Other characteristic of vessel

.....

Name of person in charge of fishing vessel

.....

Location of fishing vessel

.....

Tonnage of catch

.....

Type of fish

.....

Nature of offence and charge

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.....

Document(s) seized

.....

.....

.....

.....

Signature of arresting officer

Date:.....

FORM G

REPORT OF ARREST OF FISHING VESSEL

(Regulation 37(3))

PART B. STATEMENT OF OFFENDER

Name and address of person in charge of fishing vessel

.....
.....
.....

Registered Number of fishing vessel

.....

Place of registration of fishing vessel

.....

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.....

Location of fishing vessel

.....

Tonnage of catch

.....

..

Type of fish

.....

.....

Fishing Licence Number

.....

Statement of Defence

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Any Relevant Document(s)

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.....
.....
.....
.....

Signature of person in charge of fishing vessel

Date:

FORM G

REPORT OF ARREST OF FISHING VESSEL

(Regulation 37(3))

PART C. REPORT OF COMMANDER OF THE UNIT

Summary of enquiry into alleged offence

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Findings

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Decision

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.....

Signature of Commander

Date

FORM G

REPORT OF ARREST OF FISHING VESSEL

(Regulation 37(3))

PART D. IMPOSITION OF PENALTY BY THE FISHERIES COMMISSION

Nature of offence

.....
.....
.....
.....
.....

Identity of vessel (fishing vessel)

.....
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.....
.....

Penalty

.....

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.....
.....

Chairman

Fisheries Commission

Date

FORM G

REPORT OF ARREST OF FISHING VESSEL

(Regulation 37(3))

PART E. APPROVAL BY MINISTER RESPONSIBLE FOR FISHERIES

Penalty imposed by Fisheries Commission

.....
.....

Penalty approved by Minister responsible for Fisheries without mitigation.....

.....
.....

Penalty approved by Minister responsible for Fisheries with mitigation

.....
.....
.....
.....

Minister responsible for Fisheries

Date.....

FORM H

APPLICATION FOR AQUACULTURE ESTABLISHMENT

(Regulation 53(2))

Name of Establishment

Postal Address of Establishment

.....

.....

Type of Establishment (hatchery, feed mill, grow-out etc)

.....

Size of Establishment..... (No. of ponds, cages and other structures for hatchery)

.....

Capacity of Establishment

.....

Species to be Produced (where applicable)

.....

.....

Location District.....
Region.....

.....

Date

For Official use only

Assessment

Report

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.....
.....
.....

Recommendations

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.....

Name of Assessment Officer

Signature

.....

Date

FORM I

AQUACULTURE ESTABLISHMENT CERTIFICATE

(Regulation 53 (4))

This is to certify that meets the required conditions to practice aquaculture as a (Nursery, grow out, fry producer, breeder, bait, ornamental) farmer, in District, from (Date) The establishment is permitted to practice (Cage, pond, pen, etc.)

.....

.....

Name of authorising officer

Signature of authorising officer

.....

Date

Original: Applicant

Duplicate: District Fisheries Officer

Triplicate: Fisheries Commission

FORM J

APPLICATION FOR FISH SEED PRODUCTION CERTIFICATE

(Regulation 56(2))

Name of applicant/Establishment
.....

Size of Establishment (No. of ponds, hatcheries)
.....

Year of establishment
.....

District Region
.....

Type of Species
.....

Origin of brood stock

Capacity (number per annum)
.....

Fish seed production facility (ponds, tanks or others Specify
.....
.....
.....

Name of Applicant

Signature

Date

(For official use only)

Inspection results
.....
.....

Inspector's recommendation
.....
.....

Name of inspector

Signature of inspector

.....

Date

FORM K

FISH SEED PRODUCTION CERTIFICATE

(Regulation 56 (3))

This is to certify that of.....
District, Region meets the requirements for the production, marketing and distribution of fish seed
..... (type, quantity/numbers), for a period of one year.

.....

Name of authorising officer

.....

Signature of authorising officer

.....

Date

Original: Applicant

Duplicate: District/Regional Fisheries Officer

Triplicate: Fisheries Commission

FORM L

HEALTH CERTIFICATE FOR FISH SEED TRANSFER WITHIN GHANA

(Regulation 56 (4))

Name of Establishment

Location of Establishment

Origin of Fish Seed

Type of Fish Seed

Quantity of Fish Seed

Destination of Fish Seed

.....

Name of authorising officer

.....

Signature of authorising officer

.....

Date

Original: Applicant

Duplicate: District Fisheries Officer

Triplicate: Fisheries Commission

FORMM

APPLICATION FOR FISH SEED OR LIVE FISH TRANSFER IN GHANA

(Regulation 56) (5)

Name of applicant

Establishment

District

Species to be transferred

Number of species

Origin of species (lake, dam, ponds, or other)

Final destination

Purpose for which fish is transferred

.....

Evidence of health status stated

.....

.....

Signature of applicant

Date

Original: Applicant

Duplicate: District Fisheries Officer

Triplicate: Fisheries Commission

FORMN

PERMIT FOR FISH SEED OR LIVE FISH TRANSFER WITHIN GHANA

(Regulation 56) (6)

Name and Address of Origin of Consignment

.....

.....

Name and Address of Destination of Consignment

.....
Mode of Transportation

Species and Quantity of Fish Transferred.....
.....
.....

Expiry Date of Permit

.....
Name of authorising officer
.....

.....
Signature of authorising officer

Date

Original: Applicant

Duplicate: District Fisheries Officer

Triplicate: Fisheries Commission

FORM O

APPLICATION FOR A FISH BREEDING PERMIT

(Regulation 59 (2))

Name of Establishment

Year of Establishment

District Region

Type of species

Source of species

Characteristics of intended breed (fast growing, disease resistant, bright colours, taste and others specify)
.....
.....

Purpose of new breed (food, ornamental, research, bait and others specify)
.....

Facilities at breeding station

Any previous experience in breeding

.....
Signature of applicant(s) Date

Fee (GHCedis)

Original: Applicant

Duplicate: District/Regional Fisheries Officer

Triplicate: Fisheries Commission.

FORM P

FISH BREEDING PERMIT

(Regulation 59 (3))

Permit is issued to
..... of
..... (Town/District) to engage in fish breeding in accordance with these
Regulations.

This permit is valid from to.....

.....
Name of Authorising Officer Signature of Authorising Officer

Official Stamp

Original: Applicant

Duplicate: District/Regional Fisheries Officer

Triplicate: Fisheries Commission

FORM Q

PERMIT FOR IMPORTATION OF AQUACULTURE INPUTS

(Regulation 63 (1) (b))

Name and Address of Importer
.....

Country of Origin
.....

Name and Postal Address of Manufacturer
.....
.....

Nutritional Composition of Feed (% crude protein, fat and its origin and fiber)

Specification of other Inputs

.....
.....
.....
.....
.....

Name of Authorising Officer

Signature

.....

Date

FORMR

ANNUAL FISH FARMDATA

(Regulation 67 (1))

Name of establishment

Date of submission

.....

If individual: Male/Female

If group: Number of males/Number of females

Location: Village

.....

District

Type of Enterprise: Fry Producer/Nursery/Grow out/Breeder/Bait/Ornamental

Cultured species

Source

Type of confinement: (Ponds, Cages, Tanks, Raceways, Others specify)

.....

Number

Size (m3)

Number stocked

Number and species stocked: Monoculture
Polyculture
Annual production (Kg)
Name
Signature.....
Designation

FORMS

APPLICATION FOR IMPORTATION OF LIVE ORNAMENTAL FISH

(Regulation 69(3))

Name of Establishment
Address of Establishment
Address of the Supplier
Location of Farm in Ghana
Species and Quantities of Fish
.....
Country of Origin of Import

Name of Applicant

Signature of Applicant

.....

Date

FORM T

PERMIT FOR IMPORTATION OF LIVE ORNAMENTAL FISH

(Regulation 69 (4))

This is to permit of
.....
.....District, to import fish
species.....
..... from (country of origin)
..... to (destination) in
quantities of (Numbers or kilos).

.....
Name of authorising officer

.....
Signature of authorising officer

.....
Date

Original: Applicant
Duplicate: District Fisheries Officer
Triplicate: Fisheries Commission

FORM U
HEALTH CERTIFICATE FOR THE IMPORT OF LIVE FISH INTO GHANA
(Regulation 69(5))

Fisheries Commission
COUNTRY OF ORIGIN

THIS CERTIFICATE MUST ACCOMPANY THE CONSIGNMENT

Please complete this in BLOCKLETTERS

1. Country of Dispatch
2. Name and full address of supplier
3. Nature of consignment (Fish, Eggs, Gametes)
4. Source
 - (a) Tropical (Fresh water, brackish water or marine)
 - (b) Temperate (Fresh water, brackish water or marine)
 - (c) Others.

Total number of boxes

Comprising consignment	Date of Dispatch	
Scientific name	Common name	Total number
(genus and species)		

5. Name and full address of consignee

I, the undersigned at the time of examination, declare the animals clinically fit and came from an area free from the notifiable diseases and other significant diseases that are of economic importance.

Done at _____ on _____

Name of competent authority

Name of authorising officer

Signature of authorising officer

NOTES FOR GUIDANCE

1. This certificate is to be completed for all consignment of ornamental fish, their eggs or gametes imported into Ghana from outside. It must not be used for any other purpose.
2. The Certificate is to be completed in English and must accompany the consignment to which it relates.
3. On arrival in Ghana, the certificate must be presented to the authorities responsible for operating the border Inspection post for the port of entry. A minimum of one clear working day's notice of the date and time of arrival must be given to those authorities.
4. Importation must take place 14 days of the certificate being signed. Consignments of ornamental fish imported without complete or proper certificate may be forbidden entry to Ghana.

FORM V

LIVE FISH EXPORT HEALTH CERTIFICATE

(Regulation 70(2) (b))

This _____ is _____ to
permit.....of.....
.....

District, _____ to _____ export _____ fish _____ species
..... to (destination)
.....in quantities of (Numbers or
kilos).

.....

Name of authorising officer

Signature of authorising officer

.....

Date

Original: Applicant

Duplicate: District Fisheries Officer

Triplicate: Fisheries Commission

MR. KWESI AHWOI

Minister for Food and Agriculture

Date of Gazette Notification: 25th June 2010.

Entry into force: 3rd August 2010