

L.I. 2217

FISHERIES (AMENDMENT) REGULATIONS, 2015

ARRANGEMENT OF REGULATIONS

*Regulation*

1. Regulation 24 of L.I. 1968 amended
2. Regulation 24A to 24DD inserted
3. Regulation 44 to 49 of L.I.1968 amended
4. Regulation 49A to 49D inserted

*FISHERIES (AMENDMENT) REGULATIONS, 2015*

- (b) the previous flags of the fishing vessel, if any;
- (c) the deletion certificate of the vessel, in the case of a previously registered vessel;
- (d) the International Radio Call-Sign of the fishing vessel, if any;
- (e) the names, addresses and details of the beneficial owners and operators of the fishing vessel;
- (f) where and when the fishing vessel was built;
- (g) the type of fishing vessel;
- (h) the length overall of the fishing vessel;
- (i) the type of fishing method used on the fishing vessel;
- (j) the moulded depth of the fishing vessel;
- (k) the beam of the fishing vessel;
- (l) the International Maritime Organisation number of the fishing vessel;
- (m) the gross registered tonnage of the fishing vessel;
- (n) the horse power of the main engine of the fishing vessel;
- (o) the description of the navigation and position fixing equipment of the fishing vessel;
- (p) the specifications of the vessel monitoring system on the fishing vessel;
- (q) processing equipment on the fishing vessel, if any; and
- (r) any other information that the Commission may require for the purposes of registration and for giving effect to the international obligations of the Republic.

**Statutory declaration regarding the Illegal, Unreported and Unregulated fishing history of the fishing vessel**

24B. In the case of a fishing vessel which has been previously registered on another registry, the application under regulation 24A shall be accompanied by a statutory declaration signed by the owner, operator, master or charterer declaring that

- (a) the fishing vessel has not been deleted from its previous registry;
- (b) there are no outstanding or pending penalties from the flag State of that registry;

*FISHERIES (AMENDMENT) REGULATIONS, 2015***International cooperation to combat Illegal, Unreported and Unregulated fishing**

24E. The Commission shall cooperate with the authorities of any foreign State and regional fisheries management organisations that the Commission considers appropriate, in the investigation of alleged Illegal, Unreported and Unregulated fishing activities of a foreign fishing vessel and a vessel flying the flag of Ghana.

**Falsification of information**

24F. A person who provides false or misleading information to secure the registration of a fishing vessel as a Ghanaian fishing vessel commits an offence and is liable on summary conviction to a fine of not less than one million United States Dollars and not more than four million United States Dollars and in addition, the Commission shall revoke any licence or authorisation granted in respect of the fishing vessel and take immediate steps to delete the name of the vessel from the Ghana Shipping Registry.

*Record of Fishing Vessels fishing outside Ghana***Record of Fishing Vessels**

24G. (1) The Commission shall keep and maintain a record of Ghanaian fishing vessels flying the flag of Ghana that are authorised to fish outside the fishery waters of the country.

(2) The record shall be known as the Record of Fishing Vessels and shall contain the following:

- (a) the name of the fishing vessel and previous names, if any;
- (b) the registration numbers and port of registry of the fishing vessel;
- (c) the previous flags of the fishing vessel, if any;
- (d) the International Radio Call-Sign of the fishing vessel;
- (e) the International Maritime Organisation number of the fishing vessel;
- (f) the names, addresses and details of the beneficial owners of the fishing vessel;
- (g) the operators of the fishing vessel;
- (h) the date and place that the fishing vessel was built;



*FISHERIES (AMENDMENT) REGULATIONS, 2015***Disclosure of information in Record of Fishing Vessels**

24J. For the purpose of complying with regional or international obligations of the Republic, the Commission may

- (a) provide to a foreign government, international organisation or regional organisation any information in the Record of Fishing Vessels including
  - (i) alterations in relation to a fishing vessel;
  - (ii) withdrawal of authorisation given to a fishing vessel to fish; and
  - (iii) a fishing vessel that is not entitled to fly the flag of Ghana; and
- (b) on request in writing by a foreign government, international organisation or regional organisation provide information in the record of Fishing Vessels to the foreign government, international organisation or regional organisation.

*Authorisation to Fish***Application for Authorisation to Fish**

24K. (1) An owner, operator, charterer or master of a Ghanaian fishing vessel who intends to use the fishing vessel for fishing outside the fishery waters of the Republic shall submit to the Commission evidence of a licence to

- (a) fish in a foreign country; or
- (b) fish on the high seas.

(2) An application for an Authorisation to Fish shall specify the following:

- (a) the name and previous names of the fishing vessel;
- (b) the registration numbers and port of registry of the fishing vessel;
- (c) the previous flags, if any, of the fishing vessel;
- (d) the International Radio Call-Sign of the fishing vessel;
- (e) the International Maritime Organisation Number of the fishing vessel;
- (f) the names, addresses and details of the beneficial owner and operator of the fishing vessel;
- (g) date and place that the fishing vessel was built;
- (h) the type of fishing vessel;
- (i) the length overall of the fishing vessel;

*FISHERIES (AMENDMENT) REGULATIONS, 2015*

- (c) the Commission determines that the responsibilities of the Republic can not be exercised effectively under applicable international conservation and management measures in respect of the fishing vessel; or
- (d) a fishing vessel was previously authorised to be used for fishing by a foreign State and
  - (i) the foreign State has suspended the Authorisation to Fish because the fishing vessel undermined the effectiveness of international conservation and management measures and the suspension has not expired; or
  - (ii) the foreign State has, within the last three years preceding the application for an Authorisation to Fish under these Regulations, withdrawn the Authorisation because the fishing vessel undermined the effectiveness of international conservation and management measures.

**Conditions for the grant of Authorisation to Fish**

24N. (1) An owner, operator, charterer or master of a fishing vessel who is granted Authorisation to Fish under these Regulations shall

- (a) not use the fishing vessel to engage in an activity which undermines the effectiveness of international conservation and management measures;
- (b) comply with the laws of a foreign State in respect of any foreign licences obtained; and
- (c) report to the Commission on the area of fishing operations, fishing vessel position and catch returns.

(2) Without limiting subregulation (1), the Commission may attach additional conditions to the Authorisation to Fish as are necessary to implement the international fisheries obligations of the Republic including

- (a) the area in which fishing is authorised;
- (b) the period, time or particular voyage during which fishing is authorised;
- (c) the description, quantity, size or presentation of fish that may be taken;
- (d) the method of fishing to be undertaken and type of gear to be used;



*FISHERIES (AMENDMENT) REGULATIONS, 2015***Validity of Authorisation to Fish**

24Q. (1) An Authorisation to Fish is valid for a period of one year from the date of issue and may be renewed subject to the conditions determined by the Commission.

(2) An Authorisation to Fish ceases to have effect where the fishing vessel in respect of which the Authorisation to Fish is granted is no longer entitled to fly the flag of Ghana.

**Cancellation of Authorisation to Fish**

24R. The Commission may cancel an Authorisation to Fish where the Commission has reason to believe that

- (a) it is necessary or expedient to do so for the conservation or management of living marine resources; or
- (b) the fishing vessel has been engaged in Illegal, Unreported and Unregulated fishing.

**Fishing without an Authorisation to Fish**

24S. A person who uses a fishing vessel which is flying the flag of Ghana to fish outside the fishery waters of the Republic without a valid Authorisation to Fish issued by the Commission commits an offence and is liable on summary conviction to a fine of not less than one million United States Dollars and not more than two million United States Dollars.

*Foreign fishing licence***Acquisition of a foreign fishing licence by a Ghanaian fishing vessel**

24T. (1) Where an owner, operator, charterer or master of a Ghanaian fishing vessel acquires a licence to fish in a foreign country, the owner, operator, charterer or master of the fishing vessel shall

- (a) ensure that the fishing vessel is recorded in the Record of Fishing Vessels in accordance with these Regulations;
- (b) submit a copy of the foreign fishing licence to the Commission before commencing any fishing activity; and
- (c) provide the name, postal address, telephone number, fax number and electronic mail address of the competent authority of the foreign country that issued the licence.

*FISHERIES (AMENDMENT) REGULATIONS, 2015*

(2) An owner, charterer, operator or master of a fishing vessel who contravenes subregulation (1) commits an offence and is liable on summary conviction to

- (a) a fine of not less than one million United States Dollars and not more than two million United States Dollars for a first time contravention;
- (b) a fine of not less than two million United States Dollars and not more than four million United States Dollars for a second contravention within twenty months of the first conviction and in addition, a licence or authorisation issued in respect of the fishing vessel is considered to be suspended for six months from the date of conviction; and
- (c) a fine of not less than two million United States Dollars and not more than four million United States Dollars for a third contravention within thirty six months of the first conviction and in addition, the Commission shall revoke any licence or authorisation granted in respect of the fishing and take immediate steps to delete the name of the fishing vessel from the Ghana Shipping Registry.

*Verification of catch landing to combat Illegal, Unreported and Unregulated fishing*

**Request to land**

24V. (1) An owner, operator, charterer or master of an industrial fishing vessel who intends to land a fishery product in an authorised Ghanaian port shall submit a "Request to Land" application to the Commission within forty-eight hours.

- (2) The application shall include the following information:
- (a) name and address of the fishing company;
  - (b) name and details of the fishing vessel;
  - (c) International Maritime Organisation Number, where relevant;
  - (d) evidence of fishing permit or licence;
  - (e) types of species being landed;
  - (f) estimated quantity of species being landed;
  - (g) catching and landing dates and weights;



*FISHERIES (AMENDMENT) REGULATIONS, 2015*

- (c) a fine of not less than two million United States Dollars and not more than four million United States Dollars for a third contravention and in addition, the Commission shall revoke any licence or authorisation granted in respect of the fishing and take immediate steps to delete the name of the fishing vessel from the Ghana Shipping Registry.

**Issue of Catch Certificate**

24Z. (1) A person who intends to export fish landed by a Ghanaian fishing vessel in accordance with regulation 24Y shall request an authorised officer to issue a Catch Certificate in relation to the fish.

(2) The request for a Catch Certificate shall contain the following information:

- (a) the details of the fishing vessel, including the owner, operator, charterer or master crew list, observers, and species composition of fish caught during the fishing trip;
- (b) the area where the fish was caught;
- (c) the flag State registration number of the fishing vessel;
- (d) the flag State authorisation reference of the fishing vessel;
- (e) the licence or fishing authorisation number;
- (f) the quota or allocation for the fishing vessel, where applicable;
- (g) the description of the fish or fishery product;
- (h) the identification number issued by a regional fisheries management organisation;
- (i) proof of compliance with applicable measures of a regional fisheries management organisation; and
- (j) proof of compliance with national laws of the licensing State.

(3) An authorised officer shall attest to the veracity of the details of the information under subregulation (2) and issue a Catch Certificate within forty eight hours of the request.

(4) The Catch Certificate shall

- (a) be signed by the authorised officer;
- (b) have the approved official stamp of the Commission affixed on it; and
- (c) include additional information, where required from a foreign regulatory authority of an importing State.



*FISHERIES (AMENDMENT) REGULATIONS, 2015*

- (c) a fine of not less than two million United States Dollars and not more than four million United States Dollars for a third contravention and in addition, the Commission shall revoke any licence or authorisation granted in respect of the fishing and take immediate steps to delete the name of the fishing vessel from the Ghana Shipping Registry.

**Non-compliance by authorised officer**

24DD. An authorised officer who issues a Catch Certificate contrary to these Regulations 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 44 to 49 of L.I. 1968 amended**

3. The principal enactment is amended by the substitution for regulation 44 to 49 of the following:

**Application of regulation 45 to 49D**

44. Regulation 45 to 49D applies to

- (a) a local industrial or semi-industrial fishing vessel or a carrier vessel that is licensed to operate under the Act, whether or not the vessel intends to fish within and outside the fishery waters of the country; and
- (b) a foreign fishing vessel which intends to fish in the fishery waters of the country pursuant to a foreign fishing licence.

**Requirement to install and operate a vessel monitoring system**

45. (1) The owner, operator, charterer or master of a fishing vessel specified in regulation 44 shall install, maintain and operate a vessel monitoring system approved by the Commission at all times during the currency of the licence or authorisation and transmit relevant data including catch returns of the vessel to a Fisheries Monitoring Centre.

(2) The owner, operator, charterer or master of a fishing vessel shall operate the vessel monitoring system according to

- (a) the specifications and operating instructions of the manufacturer; and
- (b) any other requirements that the Commission may determine.

*FISHERIES (AMENDMENT) REGULATIONS, 2015*

(3) Where it is not possible to repair the vessel monitoring system within twenty four hours, the owner, operator, charterer or master of the fishing vessel shall immediately stow the fishing gear and take the fishing vessel directly to a port identified by the delegated authority.

(4) The owner, operator, charterer or master of the fishing vessel shall ensure that the fishing vessel remains in port until the vessel monitoring system is operational and reporting automatically.

(5) Where the vessel monitoring system of the fishing vessel fails to transmit data while the fishing vessel is in port, the owner, operator, charterer or master of the fishing vessel shall ensure that the vessel monitoring system is operational and reporting automatically prior to the departure of the fishing vessel from that port.

**Ownership of vessel monitoring system information**

47. (1) The ownership of information generated by a vessel monitoring system shall vest in the Commission and be treated as confidential.

(2) A person shall not disclose information generated by a vessel monitoring system to a person who is not authorised to receive the information.

(3) Despite subregulation (2), the Minister may authorise the release of information generated by a vessel monitoring system if the release of the information is necessary

- (a) to discharge the international obligations of the Republic;
- (b) to maintain law and order;
- (c) to combat Illegal, Unreported and Unregulated fishing; or
- (d) for the purpose of safety of life at sea.

(4) A person who releases information generated by a vessel monitoring system contrary to subregulation (2) commits an offence and is liable on summary conviction to a term of imprisonment of not less than two years and not more than five years.

**Offences in respect of monitoring systems, devices and related duties**

48. An owner, operator, charterer or master of a fishing vessel who contravenes regulation 45 or 46 commits an offence and is liable on summary conviction to

- (a) a fine of not less than one million United States Dollars and not more than two million United States Dollars for a first time contravention;



*FISHERIES (AMENDMENT) REGULATIONS, 2015*

- (c) a written authorisation for the use of the port has been issued by the Commission; and
- (d) where the Commission has authorised the entry of the foreign fishing vessel into the port, the owner, operator, charterer or master of the foreign fishing vessel or the representative of the owner, operator, charterer or master presents the authorisation for entry into the port to an authorised officer upon the arrival of the foreign fishing vessel at the port.

**Prohibition from entering port**

**49B.** (1) The Commission may, in consultation with the relevant agencies involved in port management in the country, deny a foreign fishing vessel authorisation to enter a port in the country where there is sufficient evidence that the foreign fishing vessel has

- (a) engaged in Illegal, Unreported and Unregulated fishing; or
- (b) has supported Illegal, Unreported and Unregulated fishing.

(2) Despite subregulation (1), the Commission may grant authorisation for a foreign fishing vessel to enter a port exclusively for the purpose of

- (a) inspecting the foreign fishing vessel; and
- (b) taking other appropriate actions in conformity with international law which are as effective as denial of port entry in preventing, deterring and eliminating Illegal, Unreported and Unregulated fishing.

**Denial of the use of port by a foreign fishing vessel**

**49C.** (1) Where a foreign fishing vessel has entered a port in the country, the foreign fishing vessel shall not be allowed to use the port for landing, transshipping, packaging or processing of fish that have not been previously landed or for any other port service if

- (a) the foreign fishing vessel does not have a valid authorisation from the flag State of the fishing vessel to engage in fishing activity;
- (b) the foreign fishing vessel has not been granted a valid licence by the Commission to engage in fishing activities in the fishery waters of the country;

*FISHERIES (AMENDMENT) REGULATIONS, 2015*

- (c) not interfere with the ability of the master to communicate with the authorities of the flag State;
  - (d) act in a manner to
    - (i) avoid undue delay of the fishing vessel in order to minimize interference and inconvenience, including any unnecessary presence of an authorised officer on board the vessel and avoid any action that would adversely affect the quality of the fish on board the fishing vessel; and
    - (ii) facilitate communication with the owner, operator, charterer or master or senior crew members on board the fishing vessel; and
  - (e) ensure that the inspection is conducted in a fair, transparent and non-discriminatory manner that does not constitute harassment of the owner, operator, charterer or master of the fishing vessel.
- (2) For the purpose of an inspection under this regulation, the owner, operator, charterer or master of the fishing vessel shall give an authorised officer the necessary assistance and information, and present relevant material and documents.
- (3) The authorised officer shall submit a report of the inspection in a form determined by the Commission."

HON. HANNY-SHERRY AYITTEY  
*Minister for Fisheries and Aquaculture Development*

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