

WHOLESALE FISH MARKETING ACT, 1963 (ACT 156)

ARRANGEMENT OF SECTIONS

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REPUBLIC OF GHANA

**THE HUNDRED AND FIFTY-SIXTH
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED
THE WHOLESALE FISH MARKETING ACT, 1963**

AN ACT to establish fish marketing zones and to regulate the wholesale marketing of fish landed in those zones and for purposes connected with the matters aforesaid.

DATE OF ASSENT: 3rd January, 1963

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:—

Section 1—Fish Marketing Zones.

For the purposes of this Act each of the following areas shall be a fish marketing zone, that is to say—

- (a) the area of the port of Takoradi as delimited by the Ports Act, 1962 (Act 115);
- (b) the area of the port of Tema as delimited by the said Ports Act;
- (c) the area of the port of Elmina as delimited in the Schedule to this Act; and
- (d) any other area specified as a fish marketing zone by the Minister by executive instrument published in the Gazette.

Section 2—Marketing of Fish Landed in Fish Marketing Zone.

(1) Subject to the next following subsection no fish landed in a fish marketing zone shall, in the first instance, be offered for sale or sold except in a market designated by the Minister as the wholesale fish market for that zone (hereinafter referred to as a "wholesale market").

(2) The Minister may grant an exemption from the preceding subsection as respects—

- (a) any fish landed as aforesaid for the purpose of being despatched to a cannery or other fish processing factory; or

(b) any fish which is landed as aforesaid having been frozen and packed on board the fishing vessel, and which is to be despatched to a cold store outside the zone for distribution.

(3) Any exemption granted by the Minister under the last preceding subsection shall be in writing and may be, either absolute or subject to such conditions as the Minister thinks fit, including a condition requiring the person to whom the exemption is granted to pay to any person specified in the exemption a fee or other charge. Any such fee or other charge shall be recoverable as a civil debt.

(4) Any designation made by the Minister under subsection (1) of this section shall be published in the Gazette and shall be given such other publicity in the fish marketing zone concerned as the Minister may direct.

(5) Any person who—

(a) offers for sale or sells any fish in contravention of this section; or

(b) contravenes any condition attached to an exemption granted under this section (other than a condition requiring the payment of a fee or other charge),

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred pounds or to a term of imprisonment not exceeding six months or to both.

Section 3—Regulations.

The Minister may, by legislative instrument, make regulations providing for any of the following matters, that is to say—

(a) the establishment, organisation, management and operation of any wholesale market;

(b) the registration of any person using a wholesale market, the cancellation of any such registration and any matters incidental thereto or connected therewith;

(c) notwithstanding anything in subsection (1) of section 2 of this Act, the transfer of fish landed in one fish marketing zone to another such zone;

(d) the imposition of charges in respect of fish offered for sale or sold in a wholesale market, or in respect of fish transferred from one such market to another, or in respect of fish kept or stored in such a market;

(e) the making, for such purposes and subject to such conditions and limitations as may be prescribed by the regulations, of bye-laws by any person appointed by the Minister to be responsible for the management and operation of a wholesale market, including bye-laws imposing penalties for the breach of a bye-law or requiring the payment of any fee or other charge:

Provided that no regulation made under this paragraph shall —

(i) authorise the making of a bye-law imposing as a penalty a fine exceeding twenty-five pounds or, in default of payment of such fine, a term of imprisonment exceeding three months;

(ii) permit any bye-law to have effect unless that bye-law has been approved by the Minister;

and

(f) any other matter in respect of which the Minister considers it necessary or expedient to make regulations for the purpose of giving effect to the provisions of this Act.

Section 4—Interpretation.

In this Act, unless the context otherwise requires —

"fish" means any aquatic animal (including shellfish, crustaceans, turtles and aquatic mammals), and any reference to fish landed in a fish marketing zone shall be construed as a reference only to fish landed in such a zone from a motor fishing vessel (whether or not the actual landing involves the transfer of the fish from the motor fishing vessel to any other craft of any description);

"Minister" means the Minister responsible for fisheries; and

"motor fishing vessel" does not include a canoe propelled by an outboard motor.

Section 5—Customs Ordinance.

It is hereby declared that nothing in this Act shall be construed as derogating from the powers conferred upon any person under the Customs Ordinance (Cap. 167).

SCHEDULE

AREA OF PORT OF ELMINA

All that piece of land at Elmina in the Cape Coast District of the Central Region of Ghana the boundary whereof commencing at a pillar marked SGW. 37/59/11 which pillar is approximately 50 feet south-west of the western corner of St. George's Castle and is 77.8 feet on a bearing of 33° 53' — which bearing together with all further bearings hereinafter mentioned is referred to the Meridian of 1° West Longitude—from a pillar marked GCS. CP. 9/25/61 which pillar is approximately 120 feet south-west of the south-western corner of the bridge (Benya Lagoon) runs on a bearing of 323° 03' for 63.9 feet to a pillar marked SGW. 37/59/12 and thence on a bearing of 263° 08' for 1132.3 feet to a pillar marked GCS.CP/9/25/63 and thence on a bearing of 263° 56' for 565.8 feet to a pillar marked SGW. 37/59/1 and thence on a bearing of 358° 58' for 426.6 feet to a pillar marked SGW. 37/59/2 which pillar is at the northern edge of the Benya Lagoon and thence on a bearing of 82° 56' for 319.5 feet on a pillar marked GCG. CP. 3B/33/8 which pillar marks the south western corner of Sanitary Site No. 3 and thence on a bearing of 179° 29' for 12.0 feet to a point on a retaining wall which wall forms the northern edge of the said Benya Lagoon and thence follows the said retaining wall in a general direction of the aforesaid retaining wall for approximately 500 feet to a pillar marked SGW/37/59/13 and thence follows the aforesaid retaining wall on a bearing of 107° 20' for 201.5 feet to a pillar marked SGW. 37/59/14 and thence follows the said retaining wall on a bearing of 97° 29' for 462.4 feet to a pillar marked SGW. 37/59/3 and thence on a bearing of 29° 54' for 117.2 feet following the said retaining wall to a pillar marked SGW. 37/59/4 and thence on a bearing of 92° 45' for 88.1 feet to a pillar marked SGW. 37/59/5 and thence on a bearing of 157° 33' for 88.1 feet to a pillar marked SGW. 37/59/6A and thence on a bearing of 49° 59' for 345.9 feet to a pillar marked SGW. 37/59/7 and thence follows the Low Water mark in a north easterly direction for approximately 210 feet and thence follows the said Low Water mark of the Gulf of Guinea in a general direction of the Low Water mark for approximately 2870 feet to a point approximately 116 feet due south from a pillar marked SGW. 37/59/15 and

thence on a bearing of 180° for approximately 2340 feet to a point and thence on a bearing of 270° for approximately 900 feet to a pillar marked SGW. 37/59/16 and thence on a bearing of $328^{\circ} 37'$ for 66.5 feet to a pillar marked SGW. 37/59/8 which pillar is on the break water and thence on a bearing of $237^{\circ} 01'$ for 262.3 feet to a pillar marked SGW. 37/59/9 and thence on a bearing of $221^{\circ} 40'$ for 279.7 feet to a pillar marked SGW. 37/59/10 and thence on a bearing of $196^{\circ} 57'$ for 55.5 feet to the point of commencement thus enclosing an area of 68.400 acres be the same several dimension little more or less as the same premises are more particularly delineated and shewn edged pink on a Cadastral Plan numbered Y. 844.