

S.M.C.D 128
TIMBER INDUSTRY AND GHANA TIMBER MARKETING BOARD
(AMENDMENT) ACT, 1977

ARRANGEMENT OF SECTIONS

SECTION

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SCHEDULE

S.M.C.D. 128
TIMBER INDUSTRY AND GHANA TIMBER MARKETING
BOARD (AMENDMENT) ACT, 1977¹

AN ACT to provide for the sole exporters by land of timber and timber products and for related matters.

1. Sole exporters of timber and timber products

A person, other than the Ghana Timber Marketing Board, shall not export overland timber, or any of the timber products specified in the Schedule.

2. Prohibition of unauthorised persons

A person except,

(a) the Board, or

(b) a person authorised in writing by the Board,

shall not export by sea or air timber or any of the timber products specified in the Schedule.

1. This Act was issued as the Timber Industry and Ghana Timber Marketing Board (Amendment) Decree, 1977 (S.M.C.D. 128) made on the 31st day of August, 1977 and notified in the *Gazette* on 9th September, 1977.

3. Offences

(1) A person who contravenes a provision of section 1 or 2 commits an offence and is liable on summary conviction to a term of imprisonment not less than fifteen years and not more than thirty years.

(2) The Court convicting the accused may, if satisfied on grounds stated that the offence was trivial or that there are special circumstances relating to the offence or the offender which would render unjust the application of the minimum penalty prescribed by subsection (1), impose a term of imprisonment less than the minimum or a fine not exceeding three thousand penalty units or both the less term and the fine.

(3) Unless the Court otherwise decides on grounds stated, the goods involved in the commission of an offence under this section shall be forfeited to the Republic.

4. Fixing of local prices

(1) Despite an enactment to the contrary the Board shall, to the exclusion of any other person, have the right to fix the prices at which the timber products specified in the Schedule and any other timber products prescribed by the Minister by Regulations made under section 12, shall be exported.

(2) The Board shall advise the Prices and Incomes Board and the Minister as to the price at which the timber products shall be sold within Ghana.

5. Demand of returns

The Board may by writing request a manufacturer of any timber products to submit to the Board returns of the products manufactured by that manufacturer and of sales made of those products.

6. Percentage for export of timber products

The Board may also give directions to a manufacturer of timber products relating to the percentage of the products manufactured by that manufacturer which should be exported and the percentage to be sold in Ghana.

7. Registration of dealers

A person shall not, after three months from the commencement of this Act, operate as a retailer, wholesaler or dealer of or in plywood, timber, flush doors and any other timber products prescribed by the Minister by the Regulations unless that person is registered with the Board and has a valid licence from the Board so to do.

8. General penalties

A person who

- (a) fails without reasonable excuse the proof of which lies on that person to submit a return requested by the Board under section 5, or submits in response to the request a return which that person knows to be false or has no reason to believe to be true, or

- (b) contravenes a direction given to that person by the Board under section 6, or
- (c) contravenes a provision of section 7,

commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding one year or to both the fine and the imprisonment, and in the case of a continuing offence to a further fine not exceeding twenty-five penalty units in respect of each day during which the offence continues.

9. Offence by bodies of persons

(1) Where a body of persons commits an offence under this Act, or under the Regulations,

- (a) in the case of a body corporate, the directors and secretary of that body shall be deemed to have committed the offence;
- (b) in the case of a partnership, the partners shall be deemed to have committed the offence.

(2) A person shall not be convicted of an offence under subsection (1) if it is proved to the satisfaction of the Court that the offence was committed without the knowledge or connivance of that person and that the necessary steps which were required to be taken to prevent the commission of the offence had been taken having regard to the circumstances.

10. Suspension of manufacturers

(1) The Board may by writing suspend for a time specified by the Board a manufacturer who has been convicted of an offence under this Act or under the Regulations from the manufacture of timber products.

(2) A person aggrieved by a decision of the Board under this section may appeal to the Minister against the decision.

(3) The Minister may on the appeal, confirm, reverse or vary the decision of the Board.²

11. Amendment of Schedule

The Minister may, after consultation with the Board and with the prior approval of the President by legislative instrument, amend the Schedule.

12. Regulations

(1) The Minister may on the advice of the Board by legislative instrument, make Regulations for carrying the provisions of this Act into full effect.

(2) In addition to subsection (1) the Regulations may be made

- (a) for regulating the marketing of timber and timber products;

2. The reference to the finality of the decision of the Minister has been omitted in view of clause (3) of article 125 of the Constitution.

- (b) for registration of exporters of timber and timber products;
- (c) for regulation of the conveyance and haulage of timber and timber products;
- (d) for the registration of carpenters and any other persons who depend on woodwork for their livelihood for the purpose of enabling them to obtain timber products for the pursuit of their occupations;
- (e) to regulate the supply of timber products to persons requiring them for building purposes in the case of towns or places near the land borders of Ghana;
- (f) for providing that timber and timber products shall be exported only through particular designated exit points;
- (g) for prescribing fees in respect of anything to be done under this Act;
- (h) for prescribing anything required or authorised to be prescribed by this Act;
- (i) for prescribing in relation to a contravention of a provision of the Regulations, a penalty not exceeding a fine of two thousand penalty units or a term of imprisonment not exceeding ten years or to both the fine and the imprisonment, and prescribing a minimum penalty and requiring the forfeiture of the goods involved in the commission of the offence.

13. Interpretation

In this Act, unless the context otherwise requires,

“**Board**” means the Ghana Timber Marketing Board; and

“**Minister**” means the Minister responsible for Trade;

“**Regulations**” means the Regulations made under this Act.

SCHEDULE

[Section 1]

Logs (in the round, squared or bouldes)
 Plywood
 Veneer
 Lumber
 Flush doors
 Furniture
 Furniture parts.
