

**IN THE SECOND SESSION OF THE FIFTH  
PARLIAMENT OF THE FOURTH REPUBLIC**

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**REPORT OF THE COMMITTEE  
ON SUBSIDIARY LEGISLATION**

**ON**

**THE FISHERIES REGULATIONS, 2010  
(L.I. 1968)**

**JULY, 2010**

## **1.0 INTRODUCTION**

The Fisheries Regulations, 2010 (L.I. 1968) was laid before the House on **Monday, 5<sup>th</sup> July, 2010**. The Instrument was subsequently referred to the Committee on Subsidiary Legislation for consideration and report pursuant to Article 11(7) of the Constitution and Orders 77 (a) and 166 of the Standing Orders of the House.

## **2.0 DELIBERATIONS**

The Committee met with the Chairman and Officials of the Fisheries Commission to discuss the Instrument. In attendance were Officials from both the Ministry of Food & Agriculture and the Drafting Division of the Ministry of Justice & Attorney-General's Department.

## **3.0 REFERENCE DOCUMENTS**

The Committee referred to the following documents during its deliberations:

- i. The Constitution;
- ii. The Standing Orders of Parliament; and
- iii. The Fisheries Act, 2002 (Act 625).

## **4.0 BACKGROUND INFORMATION**

The Fisheries Act, 2002 (Act 625) came into effect in 2002 to provide for the regulations and management of fisheries, for the development of the fishing industry and the sustainable exploitation of fishery resources in the country.

Following the passage of the Act, the Ministry was required by Section 139 of the Act to come up with Regulations to give effect to the provisions of the Act to provide for specifics on procedures, requirement, sanctions etc for the sustainable management of the industry.

The absence of the Regulations for the past eight years has therefore made it difficult for the Ministry to control the activities of operators in the Industry.

The lack of clear provisions on sanctions for a variety of activities, has made it difficult to apprehend and prosecute successfully, offenders who fall foul of the law. It is in the light of the above difficulties encountered by the Ministry and the Commission that the Instrument was introduced into Parliament.

## **5.0 OBJECT OF THE INSTRUMENT**

The Instrument among others seeks to provide for:

- i. procedures for the acquisition, registration and licensing of fishing vessels;
- ii. renewal of licences for industrial vessels, semi-industrial vessels and canoes;
- iii. interpretation of technical expressions for the understanding of operators; and
- iv. specific sanctions to ensure compliance.

## **6.0 OBSERVATIONS**

The Committee made the following observations:

- 6.1 The Committee observed that the coming into force of the Instrument will ensure sustainable utilization of the country's fish resources as both legal

and illegal methods of fishing for marine and inland sectors are well defined. The prohibition of the use of obnoxious chemicals and other injurious fishing methods will stop the depletion of the country's fishery resources for the realization of present and future benefits.

- 6.2 The Committee also observed that the introduction of a monitoring system in fisheries management by the Instrument will enhance the aspects of monitoring, control and surveillance which would enable regulators curb the incidence of illegal, unregulated and unreported fishing. This would also provide reliable and verifiable catch data for internal planning as well as meeting international requirements.
- 6.3 The Committee further observed that the establishment of clear parameters by the Instrument will facilitate the management of the country's fishery resources. The rights and responsibilities of operators to contribute to the successful management of the fishery for the socio-economic development of the country are well defined in the Instrument.
- 6.4 The Committee noted that Aquaculture and Aquaculture related activities are being promoted along modern scientific lines and therefore the need to regulate their practices. In this regard the Instrument has provided for well documented procedures such as application and approval for Aquaculture and Aquaculture related establishments, fish feed production, Aquaculture Research, Aquaculture record keeping etc. Provision has also been made for procedures for the importation and exportation of live fish.
- 6.5 The Committee finally observed that the Instrument intends to establish a reward system to reward people who supply information on illegal foreign vessels fishing in Ghana's waters. Operators of Ghanaian registered vessels who report on activities of unlicensed

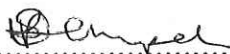
foreign vessel fishing in the Exclusive Economic Zone of Ghana would be rewarded, especially where the report results in the arrest and successful prosecution of a person or persons involved in the illegal fishing. The award for the informant would be determined by the Commission.

## **7.0 RECOMMENDATION & CONCLUSION**

The Committee is satisfied that the Instrument is in accordance with the provisions of the Constitution and the Fisheries Act, 2002 (Act 625).

The Committee therefore recommends to the House to adopt its Report and allow the Fisheries Regulations, 2010 (L.I. 1968) to come into force in accordance with Article 11(7) of the Constitution.

Respectfully submitted.



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**HON. KWAME OSEI-PREMPEH**  
*CHAIRMAN, COMMITTEE ON*  
*SUBSIDIARY LEGISLATION*



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**ERIC OWUSU-MENSAH**  
*CLERK TO THE COMMITTEE*