

OIL IN NAVIGABLE WATERS ACT, 1964 (ACT 235)

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THE TWO HUNDRED AND THIRTY-FIFTH



ACT OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

THE OIL IN NAVIGABLE WATERS ACT, 1964

AN ACT to enable effect to be given to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and otherwise to make new provision for preventing the pollution of the sea and of navigable waters by oil.

DATE OF ASSENT: 6th April, 1964

WHEREAS the Government of Ghana deposited a document of acceptance with the Inter-Governmental Maritime Consultative Organisation in London on 17th May, 1962, for a Convention entitled "The International Convention for the Prevention of the Pollution of the Sea by Oil, 1954" (in this Act referred to as "the Convention of 1954"):

AND WHEREAS it is expedient to enable effect to be given to that Convention and otherwise to make new provision for preventing the pollution of navigable waters by oil:

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

Section 1—Discharge of Certain Oils into Prohibited Sea Areas.

(1) If any oil to which this section applies is discharged from any ship registered in Ghana into a part of the sea which is a prohibited sea area, or if any mixture containing not less than one hundred parts of oil to which this section applies in a million parts of the mixture is discharged from such a ship into such a part of the sea, the owner or master of the ship shall, subject to the provisions of this Act, be guilty of an offence under this section.

(2) This section applies to crude oil, fuel oil, heavy diesel oil and lubricating oil and shall also apply to any other description of oil which may be prescribed by the Minister, having regard to the provisions of any subsequent Convention in so far as it relates to the prevention of pollution of the sea by oil, or having regard to the persistent character of oil of that description and the likelihood that it would cause pollution if discharged from a ship into a prohibited sea area.

(3) Regulations made under this section by the Minister may make exceptions from the operation of subsection (1) of this section, either absolutely or subject to any prescribed conditions, and either generally or as respects particular classes of ships, or in relation to particular descriptions of oil or mixtures containing oil or to the discharge of oil or mixtures in prescribed circumstances, or in relation to particular areas of the sea.

(4) This section shall not apply to the discharge from the bilges of a ship of an oily mixture containing no other oil than lubricating oil which has drained or leaked from machinery spaces.

(5) In this Act "subsequent Convention" means any Convention subsequent to the Convention of 1954, being a Convention accepted by the Government of Ghana.

Section 2—Designation of Prohibited Sea Areas.

(1) For the purposes of this Act the areas of the sea designated by or in accordance with this section shall be prohibited sea areas.

(2) Subject to the following provisions of this section the areas specified in the First Schedule to this Act shall be prohibited sea areas.

(3) The Minister, if he considers it necessary to do so for the purpose of protecting the coast and territorial waters of Ghana from pollution by oil, may by legislative instrument, designate any area of the sea, outside the territorial waters of Ghana and outside the areas specified in the First Schedule to this Act, as a prohibited sea area.

(4) For the purpose of giving effect to any variation of the prohibited zones referred to in the Convention of 1954, in accordance with the provisions of that Convention or of any subsequent Convention, the Minister may by legislative instrument vary any of the areas specified in the First Schedule to this Act, or declare that any area specified in that Schedule shall cease to be included therein, or designate as a prohibited area any area of the sea, outside the Territorial waters of Ghana, which apart from the instrument is not a prohibited sea area.

Section 3—Discharge of Oil into Ghanaian Waters.

(1) If any oil or mixture containing oil is discharged into waters to which this section applies from any vessel, or from any place on land, or from any apparatus used for transferring oil from or to any vessel (whether to or from a place on land or to or from another vessel), then subject to the provisions of this Act—

- (a) if the discharge is from a vessel, the owner or master of the vessel, or
- (b) if the discharge is from a place on land, the occupier of that place, or
- (c) if the discharge is from apparatus used for transferring oil from or to a vessel, the person in charge of the apparatus,

shall be guilty of an offence under this section.

(2) This section applies to the following waters, that is to say—

- (a) the whole of the sea within the seaward limits of the territorial waters of Ghana, and
- (b) all other waters (including inland waters) which are within those limits and are navigable by sea-going ships.

(3) A port Authority may appoint a place within his jurisdiction where the ballast water of vessels in which a cargo of petroleum-spirit has been carried may be discharged into the waters of the port at such times, and subject to such conditions, as the Authority may determine; and, where a place is so appointed, the discharge of ballast water from such a vessel shall not constitute an offence under this section, if the ballast water is discharged at that place, and at a time and in accordance with the conditions so determined, and the ballast water contains no oil other than petroleum-spirit.

(4) In this Act "place on land" includes anything resting on the bed or shore of the sea, or of any other waters to which this section applies, and also includes anything afloat (other than a vessel) if it is anchored or attached to the bed or shore of the sea or of any such waters; and "occupier" in relation to any such thing as is mentioned in the preceding provisions of this subsection, if it has no occupier, means the owner thereof, and, in relation to a railway wagon or road vehicle, means the person in charge of the wagon or vehicle and not the occupier of the land on which the wagon or vehicle stands.

Section 4—Special Defences under Sections 1 and 3.

(1) Where a person is charged with an offence under section 1 of this Act, or is charged with an offence under the last preceding section as the owner or master of a vessel, it shall be a defence to prove that the oil or mixture in question was discharged for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or of saving life:

Provided that a defence under this subsection shall not have effect if the court is satisfied that the discharge of the oil or mixture was not necessary for the purpose alleged in the defence or was not a reasonable step to take in the circumstances.

(2) Where a person is charged as mentioned in the preceding subsection it shall also be a defence to prove—

(a) that the oil or mixture escaped in consequence of damage to the vessel, and that as soon as practicable after the damage occurred all reasonable steps were taken for preventing, or (if it could not be prevented) for stopping or reducing, the escape of the oil or mixture, or

(b) that the oil or mixture escaped by reason of leakage, that the leakage was not due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

(3) Where a person is charged with an offence under the last preceding section as the occupier of a place on land, or as the person in charge of any apparatus, from which oil or a mixture containing oil is alleged to have escaped, it shall be a defence to prove that the escape of the oil or mixture was not due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

(4) Without prejudice to the last preceding subsection, it shall be a defence for the occupier of a place on land, who is charged with an offence under the last preceding section, to prove that the discharge was caused by the act of a person who was in that place without the permission (express or implied) of the occupier.

(5) Where a person is charged with an offence under the last preceding section in respect of the discharge of a mixture containing oil from a place on land, it shall (without prejudice to any other defence under this section) be a defence to prove—

(a) that the oil was contained in an effluent produced by operations for the refining of oil;

(b) that it was not reasonably practicable to dispose of the effluent otherwise than by discharging it into waters to which the last preceding section applies; and

(c) that all reasonably practicable steps had been taken for eliminating oil from the effluent:

Provided that a defence under this subsection shall not have effect if it is proved that, at a time to which the charge relates, the surface of the waters into which the mixture was discharged from the place in question, or land adjacent to those waters, was fouled by oil, unless the court is satisfied that the fouling was not caused, or contributed to, by oil contained in any effluent discharge at or before that time from that place.

(6) Where any oil or mixture containing oil is discharged in consequence of the exercise of any power conferred by sections 243 and 244 of the Merchant Shipping Act, 1963 (Act 183) (which relate to the removal of wrecks), and apart from this subsection the authority exercising the power, or a person employed by or acting on behalf of the authority, would be guilty of an offence under section 1 of this Act, or under the last preceding section, in respect of that discharge the authority or person shall not be convicted of that offence unless it is shown that they or he failed to take such steps (if any) as were reasonable in the circumstances for preventing, stopping or reducing the discharge.

Section 5—Equipment in Ships to Prevent Oil Pollution.

(1) All ships registered in Ghana which use oil as fuel for either engines or boilers shall be so fitted as to prevent oil fuel from leaking or draining into bilges unless effective means are provided to ensure that the oil in the bilges is not discharged in contravention of this Act.

(2) For the purpose of preventing or reducing discharges of oil and mixtures containing oil into the sea, the Minister may, by legislative instrument, make regulations requiring ships registered in Ghana to be fitted with such equipment, and to comply with such requirements, as may be prescribed.

(3) Without prejudice to the generality of the preceding subsection, where any regulations made thereunder require ships to be fitted with equipment of a prescribed description, the regulations may provide that equipment of that description shall not be installed in a ship to which the regulations apply unless it is of a type approved by the Minister.

Section 6—Penalties for Offences under Sections 1, 3 and 5.

A person guilty of an offence under section 1 or section 3, or under the last preceding section, shall, on conviction on indictment, or on summary conviction, be liable to a fine:

Provided that an offence shall not by virtue of this section be punishable on summary conviction by a fine exceeding one thousand pounds.

Section 7—Maintaining Records of Matters Relating to Oil.

(1) The master of every ship registered in Ghana (not being a tanker) of 80 tons gross tonnage or over which uses fuel oil shall maintain a record—

(a) of any occasion on which oil or a mixture containing oil is discharged from his ship for the purpose of securing the safety of any vessel or of preventing damage to any vessel or cargo;

(b) of any occasion on which oil or a mixture containing oil is found to be escaping, or to have escaped, from any such ship in consequence of damage to the ship, or by reason of leakage;

(c) of the carrying out, on board or in connection with any such ship, of operations relating to —

(i) the ballasting of oil tanks (whether cargo or bunker fuel tanks) and the discharge of ballast from, and cleaning of, such tanks, or

(ii) the separation of oil from water, or from other substances in any mixture containing oil, or

(iii) the disposal of any oil or water, or any other substance, arising from operations relating to any of the matters specified in the preceding sub-paragraphs, or

(iv) the disposal of any other oil residues.

(2) The records required to be maintained of the matters specified in paragraphs (a) and (b) of subsection (1) of this section shall be in the form set out in Part I of the Second Schedule to this Act, and those to be maintained of the matters specified in paragraph (c) of subsection (1) of this section, in the form set out in Part III of that Schedule.

(3) The master of every ship being a tanker registered in Ghana shall maintain a record in the form set out in Part I of the Second Schedule to this Act of the matters specified in paragraphs (a) and (b) of subsection (1) of this section and in the form set out in Part II of the Second Schedule of the matters specified in paragraph (c) of that subsection.

(4) The records required to be maintained in accordance with this section shall be retained in the ship for a period of two years after the last entry has been made and shall be kept readily available for inspection at all reasonable times.

Section 8—Maintaining Records of Transfer of Oil to or from Vessels.

(1) The master of every vessel, whether registered or not, and of whatever nationality, which is capable of carrying in bulk, whether for cargo or for bunker purposes, more than five tons of oil in any one space or container, shall maintain a record of the particulars specified in section 9 hereof relating to the transfer of oil to and from the vessel while it is within the seaward limits of the territorial waters of Ghana.

(2) In the case of the transfer of oil to a barge the record shall be kept by the person supplying the oil and in the case of the transfer of oil from the barge the record shall be kept by the person to whom the oil is delivered.

Section 9—Particulars to be Specified in Records.

(1) The record required to be maintained by the last preceding section shall show clearly the following particulars—

(i) the name and port of registry (if any) of the vessel or barge;

(ii) the date and time of transfer;

(iii) the place of transfer;

(iv) the amount and description of oil transferred; and

(v) from what vessel, barge or place on land, and to what vessel, barge or place, the oil was transferred.

(2) The record of each operation shall be separately signed and dated by the master or such other person as is referred to in subsection (2) of the last preceding section.

(3) If the record is kept in the Official Log of a vessel it shall not be necessary separately to state the name and port of registry (if any) of the vessel.

Section 10—Offences under Sections 7, 8 and 9.

(1) If any person fails to comply with any requirements imposed by or under section 7, section 8 or section 9 he shall be liable on summary conviction to a fine not exceeding five hundred pounds; and if any person makes an entry in any records kept under section 7 or section 8 which is to his knowledge false or misleading in any material particular, he shall be liable on summary conviction to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding six months, or to both.

(2) In any proceedings under this Act—

(a) any records kept in pursuance of this Act shall be admissible as evidence of the facts stated in those records;

(b) any copy of an entry in such records, which is certified by the person by whom the records are required to be kept to be a true copy of the entry, shall be admissible as evidence of the facts stated in the entry;

(c) any document purporting to be a record kept in pursuance of this Act, or purporting to be such a certified copy as is mentioned in the last preceding paragraph, shall, unless the contrary is proved, be presumed to be such a record or such a certified copy, as the case may be.

Section 11—Facilities in Ports for Disposal of Oil Residues.

(1) In respect of every port in Ghana, the powers of the Authority shall include a power to provide facilities for enabling vessels using the port to discharge or deposit oil residues (in this Act referred to as "oil reception facilities").

(2) Any power of an Authority to provide oil reception facilities shall include power to join with any other person in providing them, and references in this section to the provision of oil reception facilities by an Authority shall be construed accordingly; and any such power shall include power to arrange for the provision of such facilities by any other person.

(3) An Authority providing oil reception facilities, or a person providing such facilities by arrangement with an Authority may make reasonable charges for the use of the facilities, and may impose reasonable conditions in respect of the use thereof.

(4) Subject to the following provisions of this section, any oil reception facilities provided by, or by arrangement with, an Authority shall be open to all vessels using the port on payment of any charges, and subject to compliance with any conditions, imposed in accordance with the last preceding subsection.

(5) Where in the case of any port in Ghana it appears to the Minister, after consultation with the Authority and with any organisation appearing to him to be representative of owners of ships registered in Ghana—

(a) where the port has oil reception facilities, that those facilities are inadequate, or

(b) where the port has no such facilities, that the port has need of such facilities,

the Minister may, with the prior approval of the President, direct the Authority to provide, or arrange for the provision of, such oil reception facilities as may be specified in the directions.

(6) Notwithstanding the provisions of subsection (4) of this section, an Authority providing oil reception facilities or a person providing such facilities by arrangement with such Authority, shall not be obliged to make those facilities available for use by tankers, except at oil loading terminals; and the requirements of tankers shall be assessed accordingly by the Minister in exercising his powers under the last preceding subsection.

(7) Nothing in this section shall be construed as requiring an Authority to allow untreated ballast water or tank washings (that is to say, ballast water or tank washings which contain oil and have not been subjected to an effective process for separating the oil from the water) to be discharged into any oil reception facilities provided by, or by arrangement with, the Authority; and the Minister shall exercise his powers under subsection (5) of this section accordingly.

(8) As respects any port in Ghana subsections (1), (2) and (5) of this section shall have effect in relation to arrangements for disposing of oil residues discharged or deposited by vessels using the port's oil reception facilities, and to the making of such arrangements, as those subsections have effect in relation to oil reception facilities and the provision of such facilities.

Section 12—Restrictions on Transfer of Oil at Night.

(1) No oil shall be transferred between sunset and sunrise to or from a vessel in any port in Ghana unless the requisite notice has been given in accordance with this section:

Provided that this subsection shall not apply to the transfer of oil for the purposes of saving life or property.

(2) For the purposes of this section a general notice may be given to the harbour master of a port, that transfers of oil between sunset and sunrise will be frequently carried out at a place in the port within a period specified in the notice; and if such a notice is given it shall be the requisite notice for the purposes of this section as regards transfers of oil at that place within the period specified in the notice:

Provided that the period specified in such a notice shall not extend beyond the end of the period of twelve months beginning with the date on which the notice is given.

(3) Subject to the last preceding subsection, the requisite notice for the purposes of this section shall be a notice given to the harbour master not less than three hours nor more than ninety-six hours before the transfer of oil begins.

(4) In the case of a port which has no harbour master, references in the two last preceding subsections to the harbour master shall be construed as references to the port Authority.

(5) If any oil is transferred to or from a vessel in contravention of this section, the master of the vessel, and, if the oil is transferred from or to a place on land, the occupier of that place, shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Section 13—Duty to Report Discharges of Oil into Waters of Ports.

(1) If any oil or mixture containing oil—

(a) is discharged from a vessel into the waters of a port in Ghana for the purposes of securing the safety of the vessel or of preventing damage to the vessel or her cargo, or of saving life, or

(b) is found to be escaping, or to have escaped, into any such waters from a vessel in consequence of damage to the vessel or by reason of leakage, or

(c) is found to be escaping or to have escaped into any such waters from a place on land,

the owner or master of the vessel or the occupier of the place on land, as the case may be, shall forthwith report the occurrence to the harbour master (or if there is no harbour master, to the port Authority) stating in the case of a report by the owner or master of a vessel, whether it falls within paragraph (a) or paragraph (b) of this subsection, and if he fails to do so, shall be guilty of an offence under this section.

(2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding two hundred pounds.

Section 14—Powers of Inspection.

(1) The Minister may appoint any person as an inspector to report to him—

(a) whether the prohibitions, restrictions and obligations imposed by virtue of this Act (including prohibitions so imposed by the creation of offences under this Act) have been complied with;

(b) what measures (other than measures made obligatory by regulations under section 5 of this Act) have been taken to prevent the escape of oil and mixtures containing oil;

(c) whether the oil reception facilities provided in ports are adequate;

and any such inspector may be so appointed to report either in a particular case or in a class of cases specified in his appointment.

(2) Every surveyor of ships shall be taken to be a person appointed generally under the preceding subsection to report to the Minister in every kind of case falling within that subsection.

(3) (a) Sections 314 and 316 of the Merchant Shipping Act, 1963 (Act 183) (which

relate to the powers of surveyors) shall apply to persons appointed under subsection (1) of this section as they apply to the surveyors referred to in those sections as if a reference to that Act were a reference to this Act and included a reference to any regulations made under this Act.

(b) Any power of a surveyor under the said section 314 as so applied to require the production of any records required to be kept in accordance with section 7 and 8 of this Act shall include power to copy an entry in those records and require the person by whom the records are kept to certify the copy as a true copy of the entry.

(4) Without prejudice to any powers exercisable by virtue of the preceding provisions of this section, in the case of a vessel which is for the time being in a port in Ghana the harbour master, and any other person appointed by the Minister under this subsection (either generally or in relation to a particular vessel), shall have power—

(a) to go on board and inspect the vessel or any part thereof or any of the machinery, boats, equipment or articles on board the vessel, for the purpose of ascertaining the circumstances relating to an alleged discharge of oil or a mixture containing oil from the vessel into the waters of the port;

(b) to require the production of any records which by virtue of sections 7 and 8 of this Act are required to be kept in respect of that vessel;

(c) to copy an entry in any such records, and require the person by whom the records are to be kept to certify the copy as a true copy of the entry:

Provided that a person exercising any powers conferred by this subsection shall not unnecessarily detain or delay the vessel from proceeding on any voyage.

(5) If any person fails to comply with any requirement duly made in pursuance of paragraph (b) or paragraph (c) of the last preceding subsection, he shall be liable on summary conviction to a fine not exceeding ten pounds, and if any person wilfully obstructs a person acting in the exercise of any power conferred by virtue of this section, he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Section 15—Prosecutions.

(1) In respect of any of the following offences, that is to say—

(a) any offence under section 3 of this Act which is alleged to have been committed by the discharge of oil, or a mixture containing oil, into the waters of a port in Ghana;

(b) any offence under section 8 of this Act relating to the keeping of records of the transfer of oil within such port;

(c) any offence in relation to such a port under section 12 or section 13 of this Act; and

(d) any offence under the last preceding section in respect of failure to comply with a requirement of a harbour master, or in respect of obstruction of a harbour master, acting in the exercise of any power conferred by virtue of that section,

no proceedings shall be brought except by or with the consent of the Attorney-General, or by the port Authority concerned:

Provided that the Minister, or a person authorised by any general or special directions of the Minister, may bring proceedings for any such offence as is mentioned in paragraph (a) of this subsection.

(2) In respect of any other offence alleged to have been committed under this Act, no proceedings shall be brought except by or with the consent of the Attorney-General, or by the Minister or a person authorised by any general or special directions of the Minister.

(3) Where, immediately before the date which (apart from this subsection) would be the date of expiry of the time for bringing proceedings in a court of summary jurisdiction in respect of an offence alleged to have been committed under this Act, the person to be charged is outside Ghana, the time for bringing the proceedings shall be extended until the end of the period of two months beginning with the date on which he next enters Ghana.

(4) Proceedings for any offence under this Act may (without prejudice to any jurisdiction exercisable apart from this subsection) be taken against a person at any place at which he is for the time being.

Section 16—Enforcement and Application of Fines.

(1) Where a fine imposed by a court in proceedings against the owner or master of a vessel for an offence under this Act is not paid at the time ordered by the Court, the court shall, in addition to any other powers for enforcing payment, have power to direct the amount remaining unpaid to be levied by distress or pawning and sale of the vessel, her tackle, furniture and apparel.

(2) Where a person is convicted of an offence under section 1 or section 3 of this Act, and the court imposes a fine in respect of the offence, then if it appears to the court that any person has incurred, or will incur, expenses in removing any pollution, or making good any damage, which is attributable to the offence, the court may order the whole or part of the fine to be paid to that person for or towards defraying those expenses.

Section 17—General Provisions as to Application of Act.

The provisions of this Act, except provisions which are expressed to apply only to ships registered in Ghana, shall (subject to any exemptions expressly conferred by or under this Act) apply to all vessels, whether registered or not, and of whatever nationality.

Section 18—Power of Minister to Grant Exemptions.

The Minister may exempt any vessels or classes of vessels from any of the provisions of this Act or of any regulations made thereunder, either absolutely or subject to such conditions as he thinks fit.

Section 19—Application of Act to Government Ships.

(1) The provisions of this Act do not apply to ships of the Ghana Navy, nor to ships for the time being used as Naval Auxiliaries.

(2) Subject to the preceding subsection—

(a) provisions of this Act which are expressed to apply only to ships registered in Ghana apply to Government ships so registered and to Government ships not so registered, as they apply to other ships which are registered in Ghana;

(b) provisions of this Act which are expressed to apply to ships generally apply to Government ships as they apply to other ships.

Section 20—Enforcement of Conventions Relating to Oil Pollution.

(1) Without prejudice to any powers exercisable by surveyors of ships whether by virtue of this Act or otherwise, every surveyor of ships is hereby empowered to go on board any ship to which the Convention of 1954 applies, while the ship is within a port in Ghana, and to require production of any records required to be kept in accordance with that Convention, and to copy any entry in those records and require the master of the ship to certify the copy as a true copy of the entry.

(2) For the purposes of this section, in any proceedings under this Act—

(a) any records kept in pursuance of the Convention of 1954 shall be admissible as evidence of the facts stated in those records;

(b) any copy of any entry in such records, which is certified by the master of the ship to be a true copy of the entry, shall be admissible as evidence of the facts stated in the entry;

(c) any document purporting to be records kept in pursuance of the Convention of 1954, or purporting to be such a certified copy as is mentioned in the last preceding paragraph, shall, unless the contrary is proved, be presumed to be such records or such a certified copy, as the case may be.

(3) If any person fails to comply with any requirement of this section, he shall be liable on summary conviction to a fine not exceeding ten pounds; and if any person wilfully obstructs a surveyor acting in the exercise of a power conferred under this section, he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(4) The preceding provisions of this section shall apply to any subsequent Convention, in so far as it relates to the prevention of pollution of the sea by oil, as those provisions apply to the Convention of 1954.

Section 21—Interpretation.

(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say—

"Authority" in relation to a port means an Authority constituted under section 3 of the Ports Act, 1962 (Act 115);

"barge" includes a lighter or any similar vessel;

"discharged" in relation to oil or an oily mixture means any discharge or escape however caused;

"harbour master" includes any person appointed by an Authority for the purpose of enforcing the provisions of this Act in relation to the harbour;

"heavy diesel oil" means marine diesel oil, other than those distillates of which more than half the volume distils at a temperature not exceeding 340° Centigrade when tested by the A.S.T.M. (American Society for Testing Materials) Standard Method D.86/59;

"mile" means nautical mile, that is to say, a distance of six thousand and eighty feet;

"the Minister" means the Minister responsible for shipping;

"oil" means oil of any description and includes spirit produced from oil of any description, and also includes coal tar, and any power conferred by any provision of this Act to prescribe descriptions of oil for the purposes of that provision shall be construed accordingly;

"oil reception facilities" has the meaning assigned to it by section 11 of this Act;

"oil residues" means any waste material consisting of, or arising from, oil or a mixture containing oil;

"outside the territorial waters in Ghana" means outside the seaward limits of those waters;

"place on land" has the meaning assigned to it by section 3 of this Act.

"port" has the meaning assigned to it by the Ports Act, 1962 (Act 115);

"prescribed" means prescribed by regulations made by legislative instrument under this Act;

"sea" includes any estuary or arm of the sea;

"subsequent convention" has the meaning assigned to it by section 1 of this Act;

"territorial waters" in relation to Ghana has the meaning assigned to it by the Territorial Waters and Continental Shelf Act, 1963 (Act 175); and

"transfer" in relation to oil means transfer in bulk.

(2) Subject to the preceding subsection expressions used in this Act and in the Merchant Shipping Act, 1963, have the same meanings in this Act as in that Act.

Section 22—Revocation.

Regulation No. 6 of 1931 entitled "Harbours (Discharge of Oil Prohibition) Regulations is hereby revoked.

FIRST SCHEDULE

PROHIBITED ZONES

1. The prohibited zones shall be all sea areas within 50 miles from land and outside the territorial waters of Ghana with the following exceptions:—

(a) The North Sea Zone. This zone shall extend for a distance of 100 miles from the coasts of the following countries:

Belgium,

Denmark,

the Federal Republic of Germany,

the Netherlands,

the United Kingdom of Great Britain and Northern Ireland,

but not beyond the point where the limit for a 100-mile zone off the west coast of Jutland intersects the limit of the 50-mile zone off the coast of Norway.

(b) The Atlantic Zone. This zone shall comprise the sea area—

(i) within a line drawn from a point on the Greenwich meridian 100 miles in a north-north-easterly direction from the Shetland Islands; thence northwards along the Greenwich meridian to latitude 64° north; thence westwards along the 64th parallel to longitude 10° west; thence to latitude 60° north, longitude 14° west; thence to latitude 54° 30' north, longitude 30° west; thence to latitude 44° 20' north, longitude 30° west; thence to latitude 48° north, longitude 14° west; thence eastward along the 48th parallel to a point of intersection with the 50-mile zone off the coast of France:

Provided that in relation to voyages which do not extend seawards beyond the Atlantic Zone as defined above, and which are to ports not provided with adequate facilities for the reception of oily residue, the Atlantic Zone shall be deemed to terminate at a distance of 100 miles from land.

(ii) The sea area within 100 miles from land on the Atlantic coast of Canada.

(c) The Australian Zone shall extend for a distance of 150 miles from the nearest land along the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20° south latitude.

SECOND SCHEDULE

Section 7

PART I

ACCIDENTAL AND OTHER EXCEPTIONAL DISCHARGES OR ESCAPES OF OIL

- 1. Date and time of occurrence
- 2. Place or position of ship at time of occurrence
- 3. Approximate quantity and type of oil
- 4. Circumstances of discharge or escape and general remarks
- 5. Signature of Officer or Officers in charge of the operations concerned
- 6. Date of entry
- 7. Signature of Master
- 8. Date

PART II

DATE OF ENTRY

A.

Ballasting of and Discharge of Ballast from Cargo Tanks

1. Identity number(s) of tank(s) concerned
2. Type of oil previously contained in tank(s)
3. Date and place of ballasting
4. Date and time of discharge of ballast water
5. Place or position of ship at time of discharge
6. Approximate amount of oil-contaminated water transferred to slop tank(s).
7. Identity number(s) of slop tank(s)

B.

Cleaning of Cargo Tanks

8. Identity number(s) of tank(s) cleaned.
9. Type of oil previously contained in tank(s)
10. Identity number(s) of slop tank(s) to which washings transferred.
11. Dates and times of cleaning

C.

Settling in Slop Tank(s) and Discharge of Water

12. Identity number(s) of slop tank(s)
13. Period of settling (in hours)
14. Date and time of discharge of water
15. Place or position of ship
16. Approximate quantities of residue

17. Approximate quantities of water discharged

D.

Disposal of Oily Residues from Slop Tank(s) and other sources

18. Date and method of disposal

19. Place or position of ship at time of disposal

20. Sources and approximate quantities

.....
Signature of officer or officers in charge of the operations concerned

PART III

(a) Ballasting, or Cleaning during Voyage, of Bunker Fuel Tanks

1. Identity number(s) of tank(s) concerned

2. Type of oil previously contained in tank(s)

3. Date and place of ballasting

Signature of Officer in charge of operations and date of entry.....

Signature of Master and date.....

4. Date and time of discharge of ballast or washing water

5. Place or position of ship at time of disposal

6. Whether separator used; if so, give period of use

7. Disposal of oily residue retained on board.....

Signature of Officer in charge of operations and date of entry.....

Signature of Master and date.. ..

(b) Disposal of Oily Residues from Bunker Fuel Tanks and other sources

8. Date and method of disposal

9. Place or position of ship at time of disposal

10. Sources and approximate quantities

Signature of officer in charge of the operations and date of entry.....

Signature of Master and Date