



REPUBLIC OF GHANA

FISHERIES (AMENDMENT) REGULATIONS, 2015
(L.I. 2217)

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

IN exercise of the power conferred on the Minister responsible for Fisheries by section 139(1) of the Fisheries Act, 2002 (Act 625) and on the recommendations of the Fisheries Commission, these Regulations are made this 17th day of March, 2015.

Regulation 24 of L.I. 1968 amended

1. The Fisheries Regulations, 2010 (L.I. 1968), referred to in these Regulations as the principal enactment is amended by the substitution for regulation 24 of the following:

“Registration of Fishing Vessels

Requirements for the registration of a fishing vessel as a Ghanaian fishing vessel

24. (1) In addition to the requirements under the Ghana Shipping Act, 2003 (Act 645) relating to the registration of vessels entitled to fly the flag of Ghana, a fishing vessel shall not be registered on the Ghanaian Register of Ships unless the following additional requirements in regulation 24A to 24F are fulfilled.

(2) The provisions in regulation 24A to 24F do not apply to a canoe as defined in section 140 of the Act.

Regulation 24A to 24DD inserted

2. The principal enactment is amended by the insertion after regulation 24 of the following:

“Manner of registration of a fishing vessel

24A. (1) The registration of a fishing vessel as a Ghanaian fishing vessel shall be carried out in a manner consistent with the obligations of the Republic under any international or regional treaty to which the Republic is a party including international conservation and management measures relating to effort and capacity limits and the prevention, deterrence, and elimination of Illegal, Unreported and Unregulated fishing.

(2) A person who intends to register a fishing vessel as a Ghanaian fishing vessel shall submit a written application to the Commission providing the following information:

(a) the current name, previous names, registration numbers and ports of registry of the fishing vessel, if any;

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

- (c) the fishing vessel has no outstanding or pending judicial issues with any coastal State or a regional fisheries management organisation;
- (d) the fishing vessel has not been previously identified by any State or a regional fisheries management organisation to have engaged in Illegal, Unreported and Unregulated fishing; and
- (e) the fishing vessel is not currently or has not been previously listed on the Illegal, Unreported and Unregulated fishing register or record maintained by a regional fisheries management organisation.

Verification of application by the Commission

24C. The Commission shall verify the information provided by the applicant under regulation 24A and may consult with the following:

- (a) any regional fisheries management organisation;
- (b) relevant international organisation;
- (c) other States;
- (d) non-governmental organisations with interest in fisheries matters; or
- (e) any other sources the Commission deems appropriate and relevant.

Recommendation to the Ghana Maritime Authority

24D. (1) Where the Commission is satisfied that a fishing vessel fulfils the requirements of these Regulations, the Commission shall recommend to the Ghana Maritime Authority for registration as a Ghanaian fishing vessel.

(2) The Commission shall not recommend a fishing vessel to the Ghana Maritime Authority for registration as a Ghanaian fishing vessel where

- (a) the information required in regulation 24A has not been provided; or
- (b) there is an adverse finding in respect of any of the grounds specified under regulation 24A.

*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 as 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

- (i) the type of fishing vessel;
- (j) the length overall of the fishing vessel;
- (k) the type of fishing method used by the fishing vessel;
- (l) the moulded depth of the fishing vessel;
- (m) the beam of the fishing vessel;
- (n) the gross registered tonnage of the fishing vessel;
- (o) the horse power of the main engine of the fishing vessel;
- (p) the navigation and position fixing equipment of the fishing vessel;
- (q) specifications of the equipment of the vessel monitoring system;
- (r) processing equipment on the fishing vessel, if any;
- (s) intended area of operation;
- (t) intended port of discharge of fish caught;
- (u) species of fish to be targeted; and
- (v) any other information that the Commission may require for the purpose of giving effect to international conservation and management measures.

Request for information on fishing vessels by the Commission

24H. The Commission shall, by notice published in a daily newspaper of national circulation and on the website of the Commission request

- (a) an owner,
- (b) an operator,
- (c) a charterer, or
- (d) a lessee

of a fishing vessel flying the flag of Ghana who intends to use the fishing vessel to fish outside the fishery waters of the country to provide the information specified in regulation 24G(2) within four weeks of the publication of the notice.

Verification of information

24I. (1) The Commission may inspect the fishing vessel to verify the information provided in regulation 24G(2) within fifteen days of receipt of the information or delegate the power to inspect a fishing vessel to another organisation or agency.

(2) Where the Commission is satisfied that a fishing vessel has provided the information specified in regulation 24G(2), the Commission shall enter the details of the fishing vessel in the Record of Fishing Vessels.

*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

- (j) the type of fishing method used by the fishing vessel;
- (k) the moulded depth of the fishing vessel;
- (l) the beam 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 navigation and position fixing equipment of the fishing vessel;
- (p) specifications of the vessel monitoring system on the fishing vessel;
- (q) processing equipment, on the fishing vessel, if any;
- (r) intended area of operation and intended port of discharge;
- (s) species targeted by the fishing vessel;
- (t) copies of any foreign fishing licence obtained and names and addresses of the issuing authority; and
- (u) any other information or relevant documentation that the Commission may require for the purpose of giving effect to international conservation and management measures.

Consideration of application

24L. The Commission shall consider the application and notify the applicant of the decision of the Commission within fourteen days of receipt of the application.

Refusal to grant application for Authorisation to Fish

24M. The Commission shall not grant an application for an Authorisation to Fish, where

- (a) the Commission has reason to believe that the fishing vessel has engaged in Illegal, Unreported and Unregulated fishing or is on the Illegal, Unreported and Unregulated fishing list maintained by a regional fisheries management organisation;
- (b) it has been established that the fishing vessel has been involved in
 - (i) Illegal, Unreported and Unregulated fishing in the fishery waters of another State, or
 - (ii) violation of an international conservation and management measure until a time that all outstanding sanctions imposed under Ghanaian law or any other law in respect of the violation have been complied with;

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) a 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

- (e) the marking of gear;
- (f) a requirement that the fishing vessel carry observers on board during fishing operations on the high seas;
- (g) a requirement that access be permitted to foreign observers;
- (h) a requirement that a specific vessel monitoring equipment be carried, and the requirements governing its operation;
- (i) measures to be taken to avoid catching non-targeted species;
- (j) requirements for recording and timely reporting of the position of the fishing vessel, catch of target and non-target species, fishing effort and other relevant fisheries data;
- (k) requirements for verifying the catch of target, non-target species and discards;
- (l) requirements for transshipment at sea;
- (m) requirements relating to the operation of a satellite vessel monitoring system;
- (n) the stowage of gear; and
- (o) applicable international conservation and management measures.

Variation of conditions of Authorisation to Fish

240. (1) The Commission may vary a condition attached to an Authorisation to Fish where the Commission is satisfied that it is necessary to ensure compliance with the international obligations of the Republic.

(2) Where the Commission varies a condition attached to an Authorisation to Fish, the Commission shall notify the holder of the authorisation within five days and the holder shall comply with the conditions within thirty days after notification of the variation.

(3) Where it is necessary to implement international conservation and management measures in relation to the living marine resources in the fishery waters of the country and on the high seas as a matter of urgency, the Commission may require the holder of the Authorisation to Fish to comply with the new conditions within a period of fifteen days.

Non-transferability of Authorisation to Fish

24P. An Authorisation to Fish granted under these Regulations is not transferable.

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) The Commission shall verify the authenticity of the information provided within ten working days of the receipt of the licence.

(3) Where the Commission is satisfied with the information provided under subregulation (1), the Commission shall issue a written notification to the holder of the licence to that effect.

(4) The Commission shall ensure that all documents lodged with the Commission and information obtained by the Commission which form the basis of the written notification, are maintained in a data base maintained by the Commission.

(5) An owner, operator charterer or master of a Ghanaian fishing vessel who uses the fishing vessel to fish in contravention of this regulation 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 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 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.

Obligation to provide fisheries data and catch information

24U. (1) An owner, operator, charterer or master of a fishing vessel, or a person nominated to receive a requisition in the application for an Authorisation to Fish submitted on behalf of the fishing vessel shall provide to the Commission, within fifteen days, the catch information, fisheries data, and any other information in relation to the fishing and related activities of the fishing vessel.

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

- (h) catch dates including the start and end catch date range;
- (i) references of applicable conservation and management measures;
- (j) catch area, with supporting evidence, especially logbook data and record of the vessel monitoring system;
- (k) information on the fishing licence including the issuing authority and the date of issue; and
- (l) any other information to validate the catch.

(3) A document which is required to be submitted under this regulation may be submitted electronically.

Processing of "Request to Land" application

24W. The Commission shall process a "Request to Land" application within twenty four hours of receipt of the application.

Inspection of fishing vessel

24X. An authorised officer of the Commission shall undertake an on-the-spot inspection of a fishing vessel which arrives at a port to land fish to verify the information provided in regulation 24T and ensure compliance with other requirements under these Regulations.

Clearance to land fish

24Y. (1) Where an authorised officer is satisfied that the fishing vessel has not been engaged in Illegal, Unreported and Unregulated fishing, the authorised officer shall give clearance to the fishing vessel to land the fish.

(2) A person who lands fish in contravention of this regulation 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 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

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***Grounds to refuse to issue Catch Certificate**

24AA. An authorised officer shall not issue a Catch Certificate to an exporter unless the authorised officer is satisfied that

- (a) the information in regulation 24Z has been provided and verified;
- (b) the fish or fishery product have not been caught by a Ghanaian fishing vessel;
- (c) the fishing vessel is not listed on the Illegal, Unreported and Unregulated Vessel List of any regional fisheries management organisation or arrangement;
- (d) the fishing vessel has not engaged in any Illegal, Unreported and Unregulated fishing or related activity in support of Illegal, Unreported and Unregulated fishing;
- (e) the fishing vessel is not owned or previously owned by an operator or beneficial owner who is known to have another fishing vessel on the Illegal, Unreported and Unregulated Vessel List of any regional fisheries management organisation or arrangement; and
- (f) the fishing vessel has not been operating, or has not previously operated in a manner inconsistent with any obligations or international conservation and management measures.

Filing of information

24BB. The documents which form the basis of the issuance of a Catch Certificate shall be filed in an appropriate format and be available for inspection at any time.

Non-compliance with catch certification requirements

24CC. A person who exports fish or fishery products from the country without a valid Catch Certificate or fails to provide true, complete or accurate information to obtain a Catch Certificate 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 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

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) The owner, operator, charterer or master of a fishing vessel shall ensure that

- (a) a person does not tamper or interfere with the vessel monitoring system and that the vessel monitoring system is not altered, damaged, disabled or otherwise interfered with;
- (b) the vessel monitoring system is not moved from the required or agreed installed position or removed without the prior written permission of the Commission;
- (c) the vessel monitoring system is switched on and is operational at all times whether or not the vessel is within the fishery waters of the country during the period of validity of the licence, authorisation or registration in the case of a Ghanaian fishing vessel; and
- (d) upon notification by the Commission that the vessel monitoring system of the fishing vessel has failed to transmit, directives issued by the delegated authority of the Commission are complied with until such time that the vessel monitoring system of the fishing vessel functions properly.

Failure to report

46. (1) Where the vessel monitoring system of a fishing vessel fails to transmit data, the owner, operator, charterer or master of the fishing vessel or an authorised officer, upon notification by the Commission, shall ensure that reports containing

- (a) the name of the fishing vessel,
- (b) the call sign of the fishing vessel,
- (c) the position of the fishing vessel expressed in latitude and longitude to minutes of arc, and
- (d) the date and time for the report,

are communicated to a delegated authority of the Commission in accordance with any instructions or directives provided by the delegated authority of the Commission.

(2) A report made under subregulation (1) shall

- (a) be at intervals of two hours or at shorter periods specified by the delegated authority; and
- (b) commence from the time of notification of the failure of the mobile transceiver unit.

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

- (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, and in addition, where applicable, a licence or Authorisation issued in respect of the fishing vessel is considered to be suspended for six months from the date of the conviction; and
- (c) a fine of not less than two million 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 fishing vessel from the Ghana Shipping Registry.

Issuance of guidelines and designation of port

49. (1) The Minister, on the recommendations of the Commission, may issue guidelines and procedures for the collection and storage of information generated by a vessel monitoring system and the authorised release of the data and information.

(2) For the purpose of combating Illegal, Unreported and Unregulated fishing, the Minister responsible for Ports may, in consultation with the Minister, by a notice published in the *Gazette*, designate a port in the country to which foreign fishing vessels may be permitted access.

(3) The Minister may appoint a public officer as a port inspector for the purpose of these Regulations.”

Regulation 49A to 49D inserted

4. The principal enactment is amended by the insertion after regulation 49 of the following:

“Use of port without authorisation

49A. The owner, operator, charterer or master of a foreign fishing vessel shall not use a port in the country for landing, transshipping, packaging, or processing of fish or for any other port services unless

- (a) the port has been designated by the Minister for use by a foreign fishing vessel;
- (b) the owner, operator, charterer or master of the foreign fishing vessel has given at least forty-eight hours notice in advance to the Commission of the intention to use the port for landing, transshipping, packaging, or processing of fish or for any other port services;

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) there is evidence that the fish on board the foreign fishing vessel was caught in contravention of applicable requirements of any coastal State in respect of areas under the national jurisdiction of that coastal State;
 - (d) the flag State of the foreign fishing vessel does not confirm within twenty four hours on the request of the Commission that the fish on board the foreign fishing vessel was caught in accordance with applicable requirements of a relevant regional fisheries management organisation; or
 - (e) there are reasonable grounds to believe that the foreign fishing vessel has been engaged in
 - (i) Illegal, Unreported and Unregulated fishing; or
 - (ii) fishing related activities in support of Illegal, Unreported and Unregulated fishing.
- (2) Subregulation (1) does not apply where the master of the foreign fishing vessel establishes that
- (a) it was acting in a manner consistent with relevant conservation and management measures; or
 - (b) the foreign fishing vessel did not engage in or support Illegal, Unreported and Unregulated fishing at the time of provision of personnel, fuel, gear and other supplies at sea.
- (3) Despite subregulation (1), a foreign fishing vessel shall not be denied the use of the port service of a port in the country, where the service
- (a) is essential to the safety and health of the crew and the safety of the foreign fishing vessel, provided these needs are duly proven; or
 - (b) is for the scrapping of the foreign fishing vessel.

Inspection of foreign fishing vessel in port

- 49D. (1) Where an authorised officer carries out an inspection of a foreign fishing vessel in port, the authorised officer shall
- (a) present to the owner, operator, charterer or master of the foreign fishing vessel an identification document prior to an inspection;
 - (b) in case of appropriate arrangements with the flag State of the vessel, invite that flag State to participate in the inspection;

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."

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