



REPUBLIC OF GHANA

GHANA MARITIME AUTHORITY ACT, 2002 (ACT 630)

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**THE SIX HUNDRED AND THIRTIETH
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED
GHANA MARITIME AUTHORITY ACT, 2002**

AN ACT to establish the Ghana Maritime Authority with responsibility to monitor, regulate and coordinate activities in the maritime industry, responsibility to implement the provisions of enactments on shipping for the time being in force; to provide for the governing body of the Authority and to provide for connected purposes.

DATE OF ASSENT: 25th July, 2002.

BE IT ENACTED by Parliament as follows

**PART I—ESTABLISHMENT AND FUNCTIONS OF THE GHANA MARITIME
AUTHORITY**

Section 1—Establishment of the Ghana Maritime Authority.

- (1) There is established by this Act the Ghana Maritime Authority.
- (2) The Authority shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.
- (3) The Authority may for the discharge of its functions acquire and hold any movable or immovable property and may enter into any contract or other transaction.
- (4) Where there is any hindrance to the acquisition of any property under subsection (3) the property may be acquired for the Authority under the State Lands Act, 1962 (Act 125).

Section 2—Object and Functions of the Authority.

- (1) The object of the Authority is to regulate, monitor and co-ordinate activities in the maritime industry.
- (2) For the purpose of achieving its object under subsection (1), the Authority shall perform the following functions:
 - (a) implement the provisions of the Merchant Shipping Act, 1963 (Act 183);
 - (b) ensure the safety of navigation;
 - (c) fulfill flag state and port state responsibilities in an effective and efficient manner, having due regard to international maritime conventions, instruments and codes;
 - (d) deal with matters pertaining to maritime search and rescue, and co-ordinate the activities of the Ghana Armed Forces, the Ports and Harbours Authority and any other body during search and rescue operations;
 - (e) regulate activities on shipping in the inland waterways including the safety of navigation in inland waterways;
 - (f) cause to be investigated maritime casualties and take appropriate action;
 - (g) oversee matters pertaining to the training, recruitment and welfare of Ghanaian seafarers;
 - (h) plan, monitor and evaluate training programmes of seafarers to ensure conformity with standards laid down by international maritime conventions;
 - (i) ensure in collaboration with such other public agencies and institutions as the Board of the Authority may determine the prevention of marine source pollution, protection of the marine environment and response to marine environment incidents;
 - (j) pursue the ratification or accession and implementation of international maritime conventions in conjunction with the appropriate Ministry;
 - (k) assess the manpower needs of the maritime sector for national planning purposes;
 - (l) liaise effectively with government agencies and institutions that deal with maritime transport and related transport matters for the purpose of achieving harmony in the maritime industry;
 - (m) initiate research into national maritime transport development for effective planning and co-ordination;
 - (n) ensure an efficient, cost effective and orderly provision of services in the shipping industry in line with Government policies;
 - (o) initiate action for the promotion, establishment and development of private shipping lines;
 - (p) advise on policies for the development and maintenance of maritime infrastructure such as ports and harbours in the country;
 - (q) advise the Government on maritime matters generally;
 - (r) regulate the activities of shipping agents, freight forwarders and similar shipping service providers; and

(s) perform functions incidental to the functions provided under this section.

Section 3—Ministerial Responsibility.

(1) The Minister for the time being charged with responsibility for transport shall have ministerial responsibility for the Authority.

(2) The Minister may give general directives in writing to the Authority on matters of policy and the Authority shall comply with the directives.

Section 4—Governing Body of the Authority.

(1) There shall be a governing body of the Authority to be known as the Ghana Maritime Authority Board.

(2) The Board shall consist of the following members appointed by the President in consultation with the Council of State

- (a) a chairperson;
- (b) the Director-General of the Authority;
- (c) one representative of the Ministry of Roads and Transport;
- (d) one representative of the Fisheries Commission;
- (e) one representative of the Ghana Navy;
- (f) one representative of the Volta River Authority;
- (g) one representative of the Environmental Protection Agency;
- (h) one representative of the Ghana Ports and Harbours Authority;
- (i) one person each from each of the following bodies nominated by the respective members:
 - (i) Ghanaian registered ship owners;
 - (ii) Ghana Institute of Freight Forwarders;
 - (iii) Ghana Shippers Council; and
- (j) two women with specialised knowledge in the maritime industry nominated by the Minister.

(3) Members of the Board nominated and appointed under paragraphs (b) to (h) of subsection (2) shall not be of a rank below that of a Director.

Section 5—Functions of the Board.

The Board shall be responsible for

- (a) securing the implementation of the functions conferred on the Authority under this Act;
- (b) the initiation of policies for the proper management of the Authority; and
- (c) the sound and proper financial management of the Authority.

Section 6—Tenure of Office of Members of the Board.

- (1) The chairperson and other members of the Board other than the Director-General shall hold office for a term of four years but are eligible for re-appointment on the expiration of their term of office.
- (2) The chairperson or any other member of the Board may resign his office writing addressed through the Minister to the President.
- (3) The President may in consultation with the Council of State remove the chairperson or any other member from the Board for inability to perform the functions of office, for stated misbehaviour or for any other just cause.
- (4) A member of the Board who is absent from three consecutive meetings of the Board without sufficient cause shall cease to be a member.
- (5) Members of the Board shall be paid such allowances as may be determined by the Board with the approval of the Minister after consultation with the Minister for Finance.

Section 7—Committees of the Board.

The Board may for the discharge of its functions appoint committees comprising members of the Board or non-members or both and assign to the committees, such functions of the Authority as the Board may determine, except that a committee composed entirely of non-members may only advise the Board.

Section 8—Meetings of the Board.

- (1) The Board shall ordinarily meet for the dispatch of business at a time and place the Board may determine but shall meet at least, once every two months.
- (2) The chairperson shall, at the request in writing of not less than one-third of the members of the Board, convene a special meeting of the Board.
- (3) At every meeting of the Board, the chairman shall preside and in the absence of the chairperson, a member elected by members present from among their number shall preside.
- (4) The quorum at a meeting of the Board shall consist of seven members and shall include the Director-General or the person acting in that capacity.
- (5) The Board may co-opt any person to attend any of its meetings except that no co-opted person has voting rights.
- (6) Decisions at meetings of the Board shall be determined by a majority of the votes of the members present and voting and where the votes are equal the chairperson or the member presiding shall have a casting vote.
- (7) No act or proceeding of the Board shall be invalidated by a vacancy among its members or a defect in the appointment or qualification of a member.
- (8) Subject to the provisions of this section, the Board shall regulate the procedure for its meetings.

Section 9—Disclosure of Interest.

(1) A member of the Board who has an interest directly or indirectly in any contract or in any other transaction proposed to be entered into with the Authority, shall disclose that interest to the Board and shall be disqualified from participating in any deliberations of the Board in respect of the contract or transaction.

(2) A member who fails to disclose an interest under subsection (1) shall be removed from the Board.

PART II—ADMINISTRATION AND STAFF

Section 10—Divisions of the Authority.

(1) The Board may establish such divisions of the Authority as it considers necessary for the effective performance of the functions of the Authority.

(2) Without limiting the scope of subsection (1) the following are hereby established as Divisions of the Authority

(a) Technical Division;

(b) Maritime Services Division;

(c) Planning, Monitoring and Evaluation Division; and

(d) Administration and Finance Division.

(3) Each Division shall have as its head an officer designated as a Director.

(4) The functions and the staff strength of each Division shall be determined by the Board.

(5) Each Director shall be responsible for the day to day management of the Division under the Director and shall answer to the Director-General in the performance of the functions of the Director under this Act.

Section 11—Director-General of the Authority.

(1) The Authority shall have as its chief executive a Director-General who shall be appointed by the President in accordance with the advice of the Board given in consultation with the Public Services Commission.

(2) The Director-General shall hold office on terms and conditions specified in the letter of appointment of the Director-General.

(3) Subject to such general directives as the Board may give and the provisions of this Act, the Director-General shall be responsible for the efficient organisation and management of the Authority.

Section 12—Directors of the Divisions.

The Directors in charge of Divisions of the Authority shall be appointed by the President in accordance with the advice of the Board given in consultation with the Public Services Commission.

Section 13—Appointment of Registrar of Ships.

- (1) There shall be appointed by the President in accordance with the advice of the Board given in consultation with the Public Services Commission a Registrar of Ships.
- (2) The Registrar shall be responsible for the registration of ships, fishing vessels and such other navigation vessels as are prescribed by law and shall perform the functions conferred on the Registrar under the Merchant Shipping Act and any other enactment.
- (3) The Registrar shall in the performance of the functions of the Registrar be answerable to the Director-General.
- (4) The terms and conditions of employment of the Registrar shall be as specified in the letter of employment of the Registrar.

Section 14—Appointment of Secretary and other Staff of the Authority.

- (1) The President in accordance with the advice of the Board given in consultation with the Public Services Commission shall appoint a professional company secretary or a legal officer who shall be designated as Secretary.
- (2) The Secretary shall act as secretary to the Board and shall perform such other functions as the Board may on the advice of the Director-General assign to the Secretary.
- (3) The President in accordance with the advice of the Board shall appoint such other officers and employees as may be necessary for the proper and effective performance of the functions of the Authority.
- (4) Without limiting the scope of subsection (3), the following shall be appointed as public officers of the Authority
 - (a) Registrar of Seamen;
 - (b) Surveyor of Ships; and
 - (c) Receiver of Wreck.
- (5) The officers appointed under subsection (4) shall perform the duties and functions assigned to them under the Ghana Shipping Act and under any other enactment.
- (6) The Authority may engage the services of such experts and consultants as it considers necessary on the recommendations of the Director-General.
- (7) Other public officers may be seconded or transferred to the Authority or may otherwise be requested to give assistance to the Authority.

Section 15—Delegation of Power of Appointment.

The President may in accordance with article 195(2) of the Constitution delegate the power of appointment of public officers under this Act.

PART III—FINANCIAL AND MISCELLANEOUS PROVISIONS

Section 16—Funds of the Authority.

The monies of the Authority include

- (a) monies accruing to the Authority

- (i) in the performance of its functions under the Merchant Shipping Act and any other enactment relating to maritime;
- (ii) from investments;
- (b) 50% of the total annual service charges received by the Ghana Shippers Council under section 3 of the Ghana Shippers Council Decree, 1974 (N.R.C.D. 254) as amended;
- (c) any loans granted to the Authority; and
- (d) grants.

Section 17—Expenses of the Authority.

(1) The Authority shall in the performance of its functions under this Act and any other enactment generate sufficient funds to meet its expenditure including,

- (a) payment of salaries, emoluments and allowances of employees and the Board members;
- (b) management and administrative expenses; and
- (c) loan repayments and relevant interests.

(2) The expenses of the Authority including remuneration for employees, allowances to members of the Board and all other administrative expenses of the Authority shall be paid by the Authority from the funds provided for under section 16.

(3) Where in respect of any financial year, the Authority has, after having made provision for

- (a) the payment of salaries, allowances and other administrative and management expenditure;
- (b) depreciation of assets;
- (c) payment of any loan, interest; and
- (d) contingency,

any amount remaining to the credit of the Authority, there shall be transferred by the Authority to the Consolidated Fund such proportion of the amount as the Minister for Finance may in writing direct after consultation with the Minister and the Board.

Section 18—Loans, Bank Account and Investments.

(1) Subject to article 181 of the Constitution and the Loans Act, 1970 (Act 335), there may be obtained for the Authority such loans and credit facilities as the Authority may require for the implementation of its functions.

(2) The Authority may borrow temporarily by way of overdraft or otherwise such sums as it may require to meet its current obligations or discharge its functions under this Act or any other enactment.

(3) The Minister for Finance in consultation with the Minister may prescribe the maximum sums that the Authority may borrow.

(4) The Board shall with the approval of the Minister and the Accountant-General open bank accounts necessary for the operations of the Authority except that a bank account opened outside the country shall be subject to article 183(2)(b) of the Constitution.

(5) The Authority may make investments considered necessary by the Board.

Section 19—Tax Exemption.

The Authority is hereby exempted from payment of tax.

Section 20—Execution of Contracts.

(1) The use of the seal of the Authority shall be authenticated by two signatures being that of

(a) The Director-General or another member of the Board authorised by the Board to authenticate the use of the seal; and

(b) the Secretary or another officer of the Authority authorised by the Board to act in place of the Secretary for that purpose.

(2) The Authority may under its common seal empower any person to act as its attorney to execute deeds on its behalf in any place outside Ghana and every deed signed by the attorney on behalf of the Authority and under the seal of the attorney shall be binding on the Authority and have the same effect as if it were under the common seal of the Authority.

(3) Any instrument or contract which if executed or entered into by a person other than a body corporate would not require to be under seal, may be executed or entered into on behalf of the Authority by the Director-General or any member of the Board if the person has previously been authorised by a resolution of the Board to execute or enter into that particular agreement or contract.

(4) The provisions of this section shall be subject to section 12 of the Contracts Act, 1960 (Act 25).

Section 21—Accounts and Audit of the Authority.

(1) The Authority shall keep proper books of account and proper records in relation to them and the account books and records shall be kept in a form approved by the Auditor-General.

(2) The books of accounts of the Authority shall within six months after the end of each financial year be audited by the Auditor-General or by an auditor appointed by the Auditor-General.

(3) The Auditor-General shall not later than six months after the end of each financial year, forward to Parliament a copy of the audited accounts of the Agency for the financial year immediately preceding.

Section 22—Internal Auditor.

(1) The Authority shall have an internal auditor.

(2) Subject to this Act the internal auditor shall in the performance of functions of his office be answerable to the Director-General.

(3) As part of the functions of the internal auditor under this Act, the internal auditor shall, at intervals of three months, prepare a report on the internal audit work carried out by the internal auditor during the period of three months immediately preceding the preparation of the report, and submit the report to the Director-General.

(4) The internal auditor shall make in each report such observations as appear to the internal auditor necessary as to the conduct of the financial affairs of the Authority during the period to which the report relates.

Section 23—Financial Year.

The financial year of the Authority shall be the same as the financial year of the Government.

Section 24—Annual Report and Other Reports.

(1) The Board shall submit to the Minister as soon as practicable and in any event not more than eight months after the end of each financial year a report dealing generally with the activities and operations of the Authority during the year to which the report relates and shall include

- (a) the audited accounts of the Authority and the Auditor-General's report on the accounts;
- (b) a statement of the Authority's budget and operational plans for the next financial year; and
- (c) such other information as the Board considers necessary.

(2) The Minister shall within two months after receipt of the annual report submit the report to Parliament with such statements as the Minister considers necessary.

Section 25—Regulations.

The Minister may by legislative instrument make regulations

- (a) for the supervision of flag state and port state responsibilities;
- (b) for the prevention of marine source pollution;
- (c) for the protection of the marine environment and response to marine environment incidents; and
- (d) for generally carrying into effect the provisions of this Act.

Section 26—Modification of Existing Laws.

The Ghana Ports and Harbours Authority Law, 1986 (PNDCL 160) and any other enactment in existence upon the coming into force of this Act shall apply with such modifications as are necessary to give effect to this Act.

Section 27—Interpretation.

In this Act, unless the context otherwise requires

"Authority" means the Ghana Maritime Authority established under section 1 of this Act;

"Board" means the governing body of the Authority provided for under section 4 of this Act;

"flag state" means the state whose flag a ship is entitled to fly;

"MARPOL" means the International Convention for the Prevention of Pollution from Sea of 1973/78 as amended;

"Minister" means the Minister for the time being responsible for Roads and Transport;

"port state" means the state, party to any of the following International Conventions— SOLAS 74, Load Lines '66, MARPOL 73/78, STCW'78, and Tonnage '69 whose ports are visited by foreign ships;

"Registrar" means the Registrar of ships appointed under section 13 of this Act and includes a Deputy Registrar of Ships;

"SOLAS" means the International Convention for the Safety of Life at Sea of 1974/78 as amended;

"STCW" means the International Convention for Standards of Training Certification and Watchkeeping for Seafarers of 1978/95 as amended.

Date of Gazette Notification: 2nd August, 2002.