

**GUIDELINES FOR THE REGISTRATION & LICENSING OF  
FISHING VESSELS (INDUSTRIAL AND SEMI-INDUSTRIAL) IN  
GHANA**



**PREPARED**

**BY**

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**3<sup>RD</sup> NOVEMBER, 2013**

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# 1. INTRODUCTION

Ghana is endowed with significant and valuable stocks of fish, leading to a tradition and culture of fishing as strong as any other nation in West Africa. Including aquaculture, the country produces on the average about 430,000 tons of fish from its waters each year (2009-2013).

Many of Ghana's fish resources are heavily overexploited. There are too many boats chasing too few fish. The ownership of the fishery resources, the manner in which access to these resources is organized and regulated, are areas where policy needs to undergo a significant change.

Although there is a legal framework namely Fisheries Act 2002, Act 625 and Fisheries Regulations 2010 (L.I 1968) to control the number of vessels allowed to exploit the fishery, sustainable management of the fishery still remains a problem.

The Fisheries Act 2002, Act 625; Part IV provide for the registration and licensing of industrial and semi-industrial fishing vessels, ostensibly aimed at ensuring that fishing capacity and effort are aligned with available fish stock.

Currently the Government of Ghana is embarking on an ambitious programme to reform the country's fisheries and aquaculture activities. The programme is supported by the World Bank and Global Environment Facility as part of the World Bank's six-year investment in the West Africa Regional Fisheries Programme (WARFP) in Ghana. The WARFP Ghana aims to help Ghana sustainably increase the net economic benefits from its fisheries and aquaculture investments. In particular, the reforms will develop controls of the industrial and semi-industrial fisheries access the fish resources and to sustainably manage the use of these resources.

Considering the current status of the vessel register, it has become increasingly important to develop a comprehensive vessel registration guidelines which will address the problems associated with the register. The guideline is to raise awareness and offer guidance on a broad range of issues which must be addressed holistically and efficiently.

However it has been noted that certain finer details of the terms and conditions of fishing vessel registration and licensing vitally needed to ameliorate discretion in the application of the Fisheries Act 2002 and the Fisheries Regulations 2010 and other national and international shipping and maritime enactments are lacking. This state of affairs has underscored the need for the Ministry of Fisheries and Aquaculture Development to

develop comprehensive guidelines which will indicate all the necessary requirement and procedures for registration and licensing of fishing vessels (Industrial and Semi-industrial) in conformity with the Fisheries Act 2002, Act 625 and Fisheries Regulations 2010 (L.I1968).

The guidelines would be of immense assistance to fishing industry players and investors to know at first hand all the requisite information needed for vessel registration and licensing.

**Objective of program:** To develop guidelines for the registration and licensing of fishing vessels in Ghana. This would provide directions to fishery industry on how to go about their business in consistence with the Fisheries Law.

**Scope:** These guidelines are developed to cover both industrial and semi-industrial vessels fishing in the waters of Ghana. This is in accordance with the Fisheries Act 2002, Act 625, Fisheries Regulations 2010 (L.I 1968) and the Ghana Shipping Act 2003, (Act 645).

Definition of terms will be in conformity with what was specified in the aforementioned legal Instruments.

***This is not a legal document hence operators need to consult the Fisheries Law and Regulations.***

The guidelines cover the following areas:

**1. Introduction**

**2. Local industrial vessels**

- i. Procedure for acquisition and registration of vessels
- ii. Licensing of vessels
- iii. Conditions for renewal of fishing licence

**3. Semi-industrial vessels**

- i. Construction of vessels

- ii. Procedure for acquisition and registration of vessels
- iii. Licensing of vessels
- iv. Renewal of fishing licence

- 4. Fishery licence evaluation committee**
- 5. Delisting fishing vessels**
- 6. Procedure for replacement of fishing vessels**
- 7. Conditions for joint venture in tuna fishing**
- 8. Crew composition**
- 9. Certificates required on the vessel**
- 10. Fish transshipment/Export**

## 2. LOCAL INDUSTRIAL VESSELS

### 2.1 PROCEDURE FOR ACQUISITION AND REGISTRATION OF VESSELS

- 2.1.1 Register a company in Ghana at the Registrar General's Department and obtain the certificate of registration, certificate to commence business and company's code. Shareholding should be 100% Ghanaian for Local Industrial vessels and at least 50% Ghanaian for tuna vessel operations [Section 47 of Fisheries Act 2002, Act 625].
- 2.1.2 Apply for a permit for importation of vessel from the Hon. Minister responsible for Fisheries. The following documents should be attached to the application:
- i. bill of sale/hire purchase agreement in conformity with the Hire Purchase Act 1974 (NRCD 292);
  - ii. a copy of the registration certificate, certificate to commence business and company code (Fishing should be one of the activities to be carried out by the company);
  - iii. class certificate;
  - iv. survey report and refurbishment certificate where applicable;
  - v. trawl vessels must not be more than 10 years and tuna vessels 15 years of built (Section 7 of Ghana Shipping Act 2002, Act 645);
  - vi. tonnage certificate of the vessel;
  - vii. oil pollution prevention certificate;
  - viii. deletion certificate from the previous registry; and
  - ix. any other relevant document that the Commission may determine.
- 2.1.3 Gross Registered Tonnage (GRT): The GRT of a trawler and a shrimper should not exceed 300 and 200 respectively and for a tuna vessel, should not exceed 1,000 for a tuna purse seiners and 500 for a tuna pole and line.
- 2.1.4 Application with documents is sent to Hon. Minister responsible for Transport for advice on the sea worthiness of the vessel. Minister responsible for Transport replies to Minister responsible for Fisheries as to whether the said vessel should be allowed into the country or not.
- 2.1.5 Minister responsible for Fisheries may grant the permit for the importation of the vessel if approved. Validity period of a permit is one (1) year from the date of issue. Permit is not transferable.
- 2.1.6 When the vessel is imported, an application is made to the Registrar of Ships for registration under the national flag. It is issued with a Certificate of Registration and an official number which is boldly embossed on the vessel. A change of the name of a vessel shall not be made without the consent of Ghana Maritime Authority (GMA) [Section 16 of the Ghana Shipping Act 2003, Act 645].

## 2.2 LICENSING OF VESSELS

- 2.2.1 Application for fishing registration and licensing is made to the Director, Fisheries Commission. The application is referred to the Fishing Licence Evaluation Committee of the Fisheries Commission for vetting and approval.
- 2.2.2 Fishing registration number is then issued to the vessel after the submission of the following documents and inspection of the vessel by Fisheries Commission, this number must be boldly written on both bows of the vessel in conformity with Regulation 5 of the Fisheries Regulations 2010 (LI 1968).The following are lists of requirements for registration:
- i. a certificate of incorporation, certificate to commerce business, and articles of association of the company as registered under the Companies Code, 1963 (Act 179);
  - ii. Bill of Sale or Hire Purchase Agreement in conformity with the Hire Purchase Act 1974 (NRCD 292);
  - iii. the certificate of Ghanaian registration of industrial vessel;
  - iv. Bank of Ghana approval for financial aspects of the Purchase Agreement where applicable;
  - v. a recent colour photograph of not more than six months of the vessels if foreign built;
  - vi. crew composition;
  - vii. bare boat charter agreement;
  - viii. deletion certificate;
  - ix. valid certificates of insurance of vessel and of crew;
  - x. particulars of a recognized local representative of a foreign insurance company, where the vessel and crew are insured by the foreign insurance company;
  - xi. valid survey certificate of vessel and its machinery dated not more than six months to the date of application;
  - xii. safety certificate, call sign and mobile maritime satellite identification number;
  - xiii. International Tonnage Certificate;
  - xiv. Oil pollution prevention certificate; and
  - xv. Any other relevant document and information needed for research and planning that the Commission may determine [Regulation 2(2) of the Fisheries Regulations 2010 (LI 1968)].
- 2.2.3 Fishing licence is then issued upon payment of licence fees which vary according to type and GRT of the vessel.

## 2.3 CONDITIONS FOR RENEWAL OF FISHING LICENCE

2.3.1 The licence is renewable quarterly, bi-annually or annually or within such period as the Commission may recommend and shall expire:

- a. in respect of an annual licence ending 31<sup>st</sup> December in the year in which it is issued; or
- b. in respect of a quarterly licence on 31<sup>st</sup> March, 30<sup>th</sup> June, 30<sup>th</sup> September or 31<sup>st</sup> December in the year in which it is issued [Section 74 of Fisheries Act 2002, Act 625].
- c. Renewal of licence for shrimp vessels is only done quarterly.

2.3.2 An application for renewal of fishing licence to the Director, Fisheries Commission with the following documents attached:

- a. evidence of catch returns submitted trip by trip to the Fisheries Scientific Survey Division (FSSD);
- b. MCS Annual Inspection report duly signed and stamped (submitted by MCS);
- c. valid Survey Report;
- d. valid safety equipment certificate;
- e. valid radio and communication equipment certificate;
- f. valid Oil Pollution Prevention Certificate;
- g. valid Insurance cover for Hull and Machinery;
- h. valid Insurance cover for crew;
- i. completed fishing log books;
- j. approved licence fee paid by Banker's Draft in the name of 'Fisheries Development Fund';
- k. evidence of payment of previous year's ICCAT dues (tuna vessels);
- l. fish landings for the previous quarter;
- m. annual total exports if any;
- n. amount of foreign exchange earned and evidence of its repatriation;
- o. copy of Ghana Revenue Authority Tax certificates (Tax clearance certificate by 30<sup>th</sup> September) for companies or expatriates where applicable;
- p. copy of Social Security Clearance Certificate (by 30<sup>th</sup> September);
- q. evidence of personal Remittance Quota for Expatriates where applicable; and
- r. any other documents and information needed for research and planning that the Commission may determine.

### **3. SEMI INDUSTRIAL VESSELS**

#### **3.1 CONSTRUCTION OF VESSELS**

- 3.1.1 Application to build a fishing vessel is sent to the Minister responsible for Fisheries for approval in consultation with the Minister responsible for Transport and the Minister responsible for Industries,
- 3.1.2 Upon approval the applicant then commissions a licenced surveyor to design and build the fishing vessel under the supervision of Ghana Maritime Authority (GMA) [Section 6 of the Ghana Shipping Act, 2003; Act 645].

#### **3.2 PROCEDURE FOR ACQUISITION AND REGISTRATION OF VESSELS**

- 3.2.1 Application for registration and licensing of fishing vessel is to be submitted to the Director, Fisheries Commission.
- 3.2.2 Fisheries registration number is then issued to the vessel after submission of the following documents and inspection of the vessel by Fisheries Commission:
  - i. a certificate of incorporation, certificate to commence business, and articles of association of the company as registered under the Companies Code, 1963 (Act 179); where applicable
  - ii. certificate of Ghanaian registry of semi-industrial vessel by competent authority;
  - iii. certificate of supervision of construction of semi-industrial vessel by the competent authority;
  - iv. a recent colour photograph of not more than six months of the vessels;
  - v. particulars of a recognized local representative of a foreign insurance company, where the vessel and crew are insured by the foreign insurance company;
  - vi. valid survey certificate of vessel and its machinery dated not more than six months to the date of application; and
  - vii. any other relevant document and information needed for research and planning that the Commission may determine [Regulation 2 of the Fisheries Regulation 2010 (LI 1968)].

#### **3.3 LICENSING OF VESSELS**

- 3.3.1 Fishing licence is then issued upon payment of licence fees which vary according to the GRT of the vessel.
- 3.3.2 Fishing licence is renewable quarterly, bi-annual or annually or within such period as Commission may recommend and shall expire:

- a. in respect of an annual licence ending 31<sup>st</sup> December in the year in which it is issued; or
- b. in respect of a quarterly licence on 31<sup>st</sup> March, 30<sup>th</sup> June, 30<sup>th</sup> September or 31<sup>st</sup> December in the year in which it is issued [Section 74 of Fisheries Act, 2002, Act 625].

#### 3.4 RENEWAL OF FISHING LICENCE

Apply for renewal of fishing licence to the Director, Fisheries Commission and attach the following documents:

- i. MCS Inspection report duly signed and stamped (submitted by MCS);
- ii. valid Survey Report;
- iii. valid safety equipment certificate;
- iv. valid radio and communication equipment certificate;
- v. valid Insurance covers for Hull and Machinery;
- vi. valid Insurance covers for crew;
- vii. filled fishing log book;
- viii. licence fee paid by Banker's Draft in the name of 'Fisheries Development Fund';
- ix. copy of Social Security Certificate for Ghanaian employees;
- x. previous fishing licence; and
- xi. any other documents and information needed for research and planning that the Commission may determine.

#### 4. FISHERY LICENCE EVALUATION COMMITTEE

The evaluation committee may evaluate and approve any category of application for fishery licences before issuance of a licence within 14 days as specify [Section 70 of Fisheries Act 2002, Act 625].

#### 5. PROCEDURE FOR REPLACEMENT OF FISHING VESSELS

- a. Where the owner of a fishing vessel has reason to believe that the vessel has been lost due to any circumstance, the company/individual shall cause a reasonable search to be made for the vessel and shall as soon as it is convenient send to the Minister for Fisheries and Aquaculture Development a notice in writing signed by the Company/individual stating:
  - i. the name of the vessel, the home port of the vessel and the registration number of the vessel; and

- ii. report of the loss of the vessel, and the circumstances and probable cause of the loss.
- b. Where a fishing vessel needs to be replaced:
  - i. application must be forwarded to the Minister responsible for Fisheries for permit to replace the vessel; and
  - ii. the Minister upon the advice of the Commission **MAY** grant approval for the replacement.
- c. The GRT of the new vessel **MUST** not exceed that of the vessel to be replaced.
- d. The new vessel must be registered and licenced appropriately.
- e. A person shall not sell, buy, transfer or inscribe the registration number of a fishing vessel onto another fishing vessel [Regulation 4 (1) of Fisheries Regulation 2010 (L.I. 1968)].

## **6. CONDITIONS FOR JOINT VENTURE ON TUNA FISHING**

### **6.1 TYPE OF FISHING**

Tuna fishing is the only area where Fisheries Law allows foreign participation i.e. Joint Venture [Section 47 (1b) of Fisheries Act 2002, Act 625].

### **6.2 REGISTRATION OF COMPANY**

The company must be a Limited Liability Company registered in Ghana with the Registrar General's Department. Tuna fishing must be an activity allowed to be carried out by the company.

### **6.3 SHARE-STRUCTURE**

At least 50% of the shares in the tuna fishing vessel must be beneficially owned or controlled by citizen of Ghana, the Government of Ghana, a company or partnership registered by law in Ghana which has its principal place of business in Ghana [Section 47 (1b) of Fisheries Act 2002, Act 625].

### **6.4 MANAGEMENT**

To be able to sell to the EU market and other markets, the company should satisfy the ACP-EU Economic Partnership Agreement. Also apart from 50% shareholding in Tuna fishing, the Minister responsible for Fisheries upon the advice of the Commission can grant Access when practicable [Section 63 & 64 of Fisheries Act 2003, Act 625].

## **7. CREW COMPOSITION**

The owners shall employ a master, officers and crew of which not less than 75% shall be Ghanaians. [Section 50(1) of Fisheries Act 2003, Act 625]

## **8. CERTIFICATES REQUIRED ON THE VESSEL**

- i. Valid Fishing Licence;
- ii. Valid Class certificate;
- iii. Valid Survey report;
- iv. Valid Tonnage certificate;
- v. Valid Oil pollution prevention certificate;
- vi. Valid Safety Equipment certificate;
- vii. Valid Radio and Communication Equipment certificate; and
- viii. Any other documents and information needed for research and planning that the Commission may determine.

## **9. FISH TRANSSHIPMENT/EXPORT (NO TRANSSHIPMENT AT SEA)**

- i. All fish exporters are required to fill Exchange Control Form A2. Repatriation level of monies obtained from fish exports is determined by the Bank of Ghana.
- ii. A person shall not transship fish from a Ghanaian fishing vessel to a foreign fishing vessel that is not licensed under the Act or vice-versa.
- iii. A person shall not transship fish from a Ghanaian industrial vessel to a semi-industrial vessel or to canoe or vice-versa.
- iv. A person shall not transfer fish from one canoe to another canoe or from a semi-industrial vessel to a canoe except in areas where there are no safe landing facilities and within the consent of the owners.
- v. A fishing vessel of fifty GRT and above or licensed as industrial vessels shall deposit their catches at approved ports in the country.
- vi. A person shall not transfer fish from one canoe to another canoe or from a semi-industrial vessel to a canoe except in verifiable emergency situations.
- vii. A carrier or a servicing vessel that services the fishing operations of a vessel in the fishing waters of the country shall be registered and licensed by the Commission
- viii. A vessel calling at the ports to carry fish outside the country shall pay the appropriate transshipment fee to the Commission.
- ix. Transshipment of fish can only be undertaken at authorized ports.
- x. A carrier shall declare its load at the authorized port before transshipment [Fisheries Regulation 33 of Fisheries Regulations, 2010 (L.I.1968)].

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