

**IN THE THIRD SESSION OF FIFTH PARLIAMENT OF THE FOURTH  
REPUBLIC OF GHANA**

**REPORT OF THE COMMITTEE ON ROADS AND TRANSPORT ON THE  
GHANA SHIPPING (AMENDMENT) BILL, 2011**

**1.0 INTRODUCTION**

The Ghana Shipping (Amendment) Bill, 2011 was laid before the House by the Honourable Minister for Transport, Alhaji Collins Dauda on Tuesday, 17<sup>th</sup> May, 2011 and subsequently referred to the Committee on Roads and Transport for consideration and report.

This was in accordance with Article 106 (4) and (5) of the 1992 Constitution of the Republic of Ghana and Order 189 of the Standing Orders of the House.

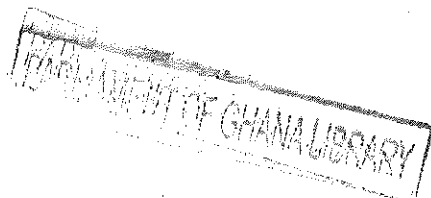
**2.0 DELIBERATIONS**

The Committee held meetings with the relevant stakeholders to consider the referral. The Honourable Minister for Transport, Alhaji Collins Dauda and officials from the Ministry, and the Director-General of the Ghana Maritime Authority and his technical team attended the Committee's meeting to assist in its deliberations.

The Committee received written memoranda on the bill from an individual and the Ghana Institute of Marine Surveyors. The Committee granted hearing to the individual and a delegation from the Ghana Institute of Marine Surveyors.

**3.0 ACKNOWLEDGEMENT**

The Committee is grateful to the Honourable Minister of Transport and his officials, and the Director-General of the Ghana Maritime Authority and his



technical team for providing the technical assistance during the consideration of the Bill.

#### **4.0 REFERENCE DOCUMENTS**

The Committee made reference to the following documents during its deliberations;

- i) The 1992 Constitution of the Republic of Ghana
- ii) The Standing Orders of the House
- iii) The Ghana Shipping Act 2003, (Act 645)

#### **5.0 BACKGROUND**

The Ghana Shipping Act 2003 (Act 645) imposes restriction on the trading of foreign registered ships in the Ghanaian waters to Ghanaian ships. The current definition of Ghanaian waters is limited to twelve nautical miles territorial sea. The amendment to the parent Act would in effect extend the scope of local trade and coastal shipping. The area in which the reserved would be extended from twelve nautical miles to which it is limited to at present, that is the territorial sea, include the trade from shore to any oil and gas installations that will be established more than twelve nautical miles away like the Jubilee field which is approximately sixty-three nautical miles offshore.

There are also not enough Ghanaian ships at present with the technical specifications required by the industry to perform various services. It is therefore prudent in the short term to permit other vessels to provide such services from the shore to where the installations which are offshore.

Consequently, it has become necessary to amend the Ghana Shipping Act 2003 (Act 645) to make provision for exemptions to foreign flagged vessels to carry out local trade to offshore installations on a temporary basis subject to the payment of prescribed fees and charges.

This amendment also empowers the Board of the Ghana Maritime Authority to grant permits to foreign ships, to trade in our Ghanaian waters including servicing oil platforms and installation for specified purposes and duration subject to conditions that the Board considers fit.

## **6.0 THE OBJECT OF THE BILL**

The main object of the Bill is to extend the definition of “Ghanaian waters” to include the waters within the five hundred meters safety zone generated automatically around installations in the exclusive economic zone beyond the territorial sea.

## **7.0 OBSERVATIONS**

The Committee observed that there was the need to grant permit to foreign ships that intends to engage in local trade within Ghana’s Maritime jurisdiction.

It was also noted that foreign ships intending to trade in Ghanaian waters should show evidence of commitment to social responsibility in the area of training of seafarers and cadets. This in the Committee’s opinion will enable Ghanaians to acquire the necessary technical know-how in that field of endeavour.

The Committee further observed that application by foreign ships should also show evidence of shares in the foreign ship owned or controlled by a citizen, the Government or a company or partnership registered in the Republic.

It was further observed that the application by foreign ships should indicate the registry of the ship and not the flag of the applicant’s state.

## 8.0 PROPOSED AMENDMENTS

1. **Clause 1 – Amendment proposed** – sub-clause (1A) paragraph (2) sub-paragraph (a), after “the” delete “Director-General” and insert “Minister”.
2. **Clause 1 – Amendment proposed** - sub-clause (1A) paragraph (3) sub-paragraph (b), delete and substitute “the Registry of the ship”.
3. **Clause 1 – Amendment proposed** - sub-clause (1A) of paragraph (3) sub-paragraph (g), after “the” delete “description” and insert “nature”.
4. **Clause 1 – Amendment proposed** - sub-clause (1A) paragraph (3) sub-paragraph (i), delete and insert “evidence that indicates the applicant’s commitment to social responsibility in relation to the training of Ghana seafarers and cadets”.
5. **Clause 1 – Amendment proposed** – sub-clause (1A) paragraph (4), delete and insert “An applicant may provide evidence that shares in the foreign ship are owned or controlled by a citizen, the government or a company or partnership registered by law in the Republic; and”.
6. **Clause 1 – Amendment proposed** – sub-clause (1A), introduce a new paragraph (5) as follows; “The Minister shall in accordance with the recommendation of the Board grant the permit subject to the payment of the prescribed fee”.
7. **Clause 1 – Amendment proposed** – sub-clause (1A), introduce a new paragraph (7) as follows; “The Minister shall in granting the application take into account any evidence provided under sub-clause (4)”.
8. **Clause 2 – Amendment proposed** – In line 2, delete “section 40 (1)” and insert sub-section (1).


9. **Clause 6 – Amendment proposed** – In the definition of “Ghana’s maritime jurisdiction” in line (2) insert after “coastal state” “in the various maritime zones” and in line (5) after “(PNDC 159)” delete “in the various maritime zones”.
10. **Schedule – Amendment proposed** – In item (2) delete “Flag of State” and insert “Registry of the ship”
11. **Schedule Form – Amendment proposed** – delete “Director-General” and “Ghana Maritime Authority” and insert “the Minister” and “Ministry of Transport”.

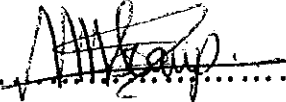
**9.0 CONCLUSION**

The Committee having examined the provisions of the bill is of the view that the enactment of the above legislation will provide the needed input for the Ministry of Transport to enhance Maritime safety and to support multi-sector framework for safe, secure and efficient conduct of operations within Ghana’s Maritime Jurisdiction.

The Committee accordingly recommends to the House the passage of Ghana Shipping (Amendment) Bill 2011.

Respectfully submitted.

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**MR. SAMUEL ADDEI**  
**CLERK TO THE COMMITTEE**

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**HON. MICHAEL COFFIE BOAMPONG**  
**CHAIRMAN, COMMITTEE ON ROADS**  
**AND TRANSPORT**

