

GHANA SHIPPERS' AUTHORITY

INTRODUCTION

- Since its establishment in 1974, the Establishment Act of the Ghana Shippers' Authority (NRCD 254) has not had any major review despite the changing dynamics of the shipping industry.
- The 50-year-old Act is in dire need of amendment to deal with the present challenges in the Industry, and into the foreseeable future.

PURPOSE OF THE AMENDMENT

- To empower the Authority to deal with issues of concern to players within the Shipping Industry
- To expand the scope of the Law to cover other modes of shipment (air and land) as well as transit trade.
- To improve the enforcement mechanism of the Authority

KEY AREAS OF AMENDMENT OF THE ESTABLISHMENT LAW

- Title
- Object of the Authority
- Powers of the Authority
- Functions of the Authority
- Registration and Certification
- Cargo Manifests
- Administration of Levy
- Shipment Notification
- Right of Complaint to the Authority
- Governing Board

Focus Area	Current Act (NRCD 254)	Propose Review
TITLE	An ACT to establish the Ghana Shippers' Authority and for connected purposes	An Act to empower the Authority to regulate the commercial activities of shippers in the shipment, storage, and delivery of international trade cargo (i.e., import, export and transit).
OBJECT OF THE AUTHORITY		The object of the Authority is to regulate the activities of shippers and shipping service providers with respect to service standards, commercial terms and conditions of shipment, pricing, shipping line charges and resolution of complaints to create a viable commercial shipping environment that ensures fairness, efficiency and competitiveness for players in the Industry.

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POWERS OF THE AUTHORITY		<p>(1) The Authority may exercise the following powers:</p> <p>(a) request information from stakeholders in the Industry for the purpose of discharging any of its functions under this Act.</p> <p>(b) invest funds of the Authority that are not immediately required for the performance of its functions and ensure the judicious use of the funds.</p>

(c) publish information that is relevant to its functions and activities in a manner that it considers appropriate

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FUNCTIONS OF THE AUTHORITY	<p>1. The Authority shall provide facilities for mutual consultation between shippers, ship owners and the Railway Corporation on matters of interest to shippers.</p> <p>2. Without prejudice to subsection (1), the Authority may</p>	<p>The Authority shall provide facilities for mutual consultation between shippers, ship owners and other carriers and providers of shipping services and their agents on matters of interest to shippers.</p> <p>(2) Without prejudice to subsection (1), the Authority shall</p> <ul style="list-style-type: none"> a) protect and promote the interests of shippers and their cargo g) ensure and monitor compliance by shippers with national and international commercial shipping and related laws, policies, regulations and directives. h) provide education and sensitization to shippers on national and international policies that impact commercial shipping in Ghana

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FUNCTIONS OF THE AUTHORITY		<p>j) promote and facilitate transit trade activities of neighbouring countries through Ghana's corridor.</p> <p>k) encourage and promote investments for the development of warehousing, freight parks, inland ports and other such infrastructure</p>

necessary to support the shipping industry.

l) represent the interest of shippers in intra-Africa trade under the African Continental Free Trade Agreement (AfCFTA).

m) Develop, enforce and monitor best practice standards of service delivery in the commercial shipping industry to ensure availability, accessibility, affordability and adequacy of services in the Industry.

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Function of the Authority	<p>4 .The Authority may, with the approval of the minister responsible for transport and communications, levy charges and commission for a service it renders to ship owners.</p>	<p>n) provide a platform for mutual collaboration between shippers service providers ,and relevant agencies in the country</p> <p>o) negotiate and approve the charges and shipment condition of shipping service providers</p> <p>p)Establish and ensure comprehensive data base of all shippers and shipping service providers</p> <p>q)Advice the Minister of Transport on commercial shipping matters and make recommendations to shape national policy foundation</p> <p>4)The Authority may ,with the approval of the minister responsible for transport impose levies on shippers ,shipping ,shipping lines or carries in the performance Of its functions</p>

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REGISTRATION AND CERTIFICATE		<p>1) A shipper other than a shipper of personal effect, shall</p> <ul style="list-style-type: none"> a) register with the authority by filling with the Authority the registration particulars specified in the first Schedule ;and b) pay the registration fees specified in the third schedule. <p>2)the Authority shall issue a shipper or shipping service provider who is registered under the Act with</p> <ul style="list-style-type: none"> a) A certificate of registration in a manual or format ,and b) A registration number which shall be quoted by the shippers or shipping service provider in any dealing with the Authority and all other stakeholders in the industry <p>3) The certificate of registration shall be renewed annually</p> <p>4) The board of the Authority shall review the fee periodically.</p>

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CARGO MANIFESTS		<p>1)The agent of a shipping line in a port shall send copies of cargo manifests to the Authority not later than or an airline carrier</p> <ul style="list-style-type: none"> (a) three days after the arrival of a ship or aircraft in a port; and (b) five days after the

departure of a ship or aircraft from a port.

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CARGO MANIFESTS		<p>2. The Agent of a Shipping line or an airline carrier that contravenes sub sub-section (1) shall pay to the Authority an administrative penalty of one hundred penalty units and an additional administrative penalty of ten penalty units for each day that the default continues.</p> <p>3.The Authority shall</p> <ul style="list-style-type: none">a. Take legal action against the offender upon failure of the offender to pay the administrative penalty within thirty days ; andb. Claim the money as debt due to the Authority.

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ADMINISTRATION OF LEVY		<p>1. The Authority shall levy a charge of two percent of the gross freight value of a shipment to or from this country on a Shipping line that operates in this country.</p> <p>2. The Authority shall remit to Ghana Maritime Authority fifty (50) percent of the total annual levies by seaport received by the Authority.</p>

3. A representative or an agent of a shipping line that operates in this country shall pay the levy within a period of fourteen (14) days after the receipt of the requisite invoice issued by the Authority.

4. Where the levy charged is not paid within the specified period, beginning on the day on which the levy became due, the representative or agent of the shipping line shall pay to the Authority a penalty of ten percent of the unpaid amount of the levy for every thirty (30) days that the amount remains unpaid.

5. The Authority shall institute legal proceedings to recover the unpaid levies and penalties as debts due and owed to the Authority.

6. Any recoveries from unpaid levies shall be shared equally between the Authority and the Ghana Maritime Authority after a deduction of costs incurred in the recovery.

7. The Board of the Authority in consultation with the Ghana Maritime Authority may grant an exemption in respect of the payment of levy or waive the payment of levy when necessary.

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SHIPMENT NOTIFICATION		<p>(1) All shippers or their agents or representative shall, before effecting any shipment to or from Ghana</p> <p>(a) File with Authority or any of its branches or agents outside Ghana a complete shipment notification form, electronically, prescribed in the Second Schedule to this Act disclosing particulars of the shipment.</p> <p>(b) Pay the shipment notification fee specified in the Third Schedule.</p> <p>(2) Where the Authority has no agent or representative, the Shipment Notification Form shall be filled with the agent of the shipping line who will then forward the relevant copy to the Authority.</p>

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RIGHT OF COMPLAINT TO THE AUTHORITY		<p>(1) Any person or association or stakeholder in the industry may submit a complaint to the Authority within the period of one (1) year in respect of a Matter arising under this Act and the Authority have the power to investigate such complaint.</p> <p>(2) A complaint under Subsection 1 shall in the first instance be referred to the Authority for investigation and settlement.</p> <p>(3) The Authority shall, after investigating a complaint, facilitate an amicable and good faith settlement of a matter brought before the Authority.</p> <p>(4)The Authority shall communicate its findings on the</p>

complaint to the parties involved.

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RIGHT OF COMPLAINT TO THE AUTHORITY		<p>(5) The authority shall investigate complaints received by its unless it is of the opinion that-</p> <ul style="list-style-type: none"> a) the complaint is trivial, frivolous, vexatious, or not made in good faith; or b) the complaint is on the same subject already under investigation. <p>(6) The Authority does not have power to investigate any matter which is before a court.</p>

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THE GOVERNING BOARD	<ul style="list-style-type: none"> 1) National Trading Corporation 2) Ghana Railway Corporation 3) Timber Association 4) Ghana Timbers Limited 5) Industrial Holding Corporation 6) Supply Commission 	<ul style="list-style-type: none"> 1. Ghana National Chamber of Commerce 2. Ghana Ports & Harbours Authority 3. Ghana Revenue Authority 4. Ghana Maritime Authority 5. Representative of Freight Forwarders 6. Association of Ghana Industries 7. Ghana Union of Trade Association 8. Ghana Airports Company Limited