

CAP. 226
RIVERS ACT, 1903
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CAP. 226
RIVERS ACT, 1903¹

AN ACT to regulate the use of certain rivers and to provide for related matters.

Preliminary

1. Rivers

(1) The President may, by Legislative Instrument, add to the rivers specified in the First Schedule the name of any other running water.

(2) An addition shall not form part of the First Schedule until the requirements of clause (7) of article II of the Constitution have been complied with.²

2. Extent of rivers

(1) The President may, by Legislative Instrument, define the extent of a river to which this Act applies.

(2) A part of a river outside the portion defined under subsection (1) is not a river for the purposes of this Act

Dredging

3. Dredging in river to be licensed

(1) A person shall not dredge in a river without a licence from the Minister.

(2) The licence shall be in one of the forms set out in the Second Schedule.

(3) A person who dredges in a river without a licence or contrary to the terms of the licence, commits an offence, and is liable to a fine not exceeding one thousand five hundred penalty units for every day during which the offence continues.

4. Security may be required

Before a licence to dredge is granted security shall be given in the terms and to the amount directed by the Minister in each particular case.

5. Regulations on dredging licence

(1) The Regulations set forth in the Third Schedule shall be endorsed on a licence to dredge.

(2) The Minister may require that further Regulations be endorsed in a particular case.

6. Contravening dredging regulations

(1) A person who acts in contravention of a regulation endorsed on the licence under which that person dredges commits an offence, and is liable to a fine not exceeding three

1. This Act was enacted as the Rivers Ordinance, 1903 (No.2 of 1903). It was Cap. 194 of the McCanhy Edition of the Laws and Cap. 226 of the McElwaine Edition of the Laws. It was assented to on 4th February, 1903 which is the date of the commencement of the Ordinance.

2. The section had provided that the addition forms part of the First Schedule on the expiration of two months from the publication of the addition in the *Gazette*.

thousand penalty units and the holder of the licence is liable for the damage which may have arisen in consequence of the contravention.

(2) For the purposes of subsection (1) and of section 7 non-compliance with a lawful order, direction or notice given under Regulations endorsed on a licence is a contravention of the Regulations.

7. Cancellation of dredging licence

Where in a prosecution under this Act it is proved that the terms on the face of, or the Regulations endorsed on, a dredging licence have been contravened the High Court or a Magistrate's Court shall, subject to the approval of the Minister, cancel the licence in addition to imposing the penalty prescribed by this Act.

Diverting Water

8. Licence to divert water

(1) A person shall not, without a licence from the Minister, pump, divert, or by any means cause water to flow from a river

(a) for purposes of irrigation, or for mines, factories, or any other commercial or industrial purposes, or

(b) to generate power.

(2) The licence shall be in the Form D set out in the Second Schedule and is subject to the terms and conditions specified by the Minister.

(3) A person who contravenes a provision of this section commits an offence, and is liable to a fine not exceeding one thousand five hundred penalty units for every day during which it occurs.

9. Penalty for contravention of licence

A person who having obtained a licence under section 8 acts in contravention of a term or condition of the licence commits an offence, and is liable to a fine not exceeding one thousand five hundred penalty units for every day during which it occurs, and the Court in addition may cancel the licence.

Steam vessels

10. Steamer licences

(1) The master of a steam vessel on a river shall take out a licence for that vessel.

(2) The licence shall be in the Form C set out in the Second Schedule, and shall be granted at Accra by the Accountant-General, and in other districts by a District Chief Executive of the district through which the river runs.

(3) The licence shall commence on the day on which it is granted and shall terminate on the 31st day of December following.

(4) The master of a steam vessel who fails to comply with this section commits an offence, and is liable to a fine not exceeding one hundred and fifty penalty units.

(5) In this section "master" includes the owner and agent for the owner.

*Miscellaneous***11. Regulations**

(1) The President may, by Legislative Instrument, make Regulations

- (a) generally for the purpose of protecting and improving the navigability of a river;
- (b) with respect to vessels on a river;
- (c) with respect to the use of a river for the transport of floating timber;
- (d) for the regulation and control of fishing in a river;
- (e) for regulating the traffic on a river;
- (f) imposing a fine not exceeding one hundred and fifty penalty units for a breach of a regulation; and
- (g) generally for the better carrying out of this Act.

(2) The Regulations may apply to vessels generally or to steam vessels or a particular class of vessels and to the whole or a part of a river.

12. Fees

For a licence taken out under this Act there shall be payable the fee prescribed in the Fourth Schedule.

13. Procedure

Offences under this Act shall be dealt with summarily before a District Magistrate.

14. Interpretation

In this Act, unless the context otherwise requires,

"**Minister**" means the Minister responsible for Industry;

"**river**" means a river specified in the First Schedule;

"**steam vessel**" includes every description of vessel constructed as to be propelled otherwise than by sails, oars, paddles, or poles;

"**vessel**" includes a ship, boat, or canoe, or any other description of vessel used in navigation however propelled.

SCHEDULES

FIRST SCHEDULE

[Section I]

Rivers to which this Act applies

Ahama

Ankobra and its tributary the Bons

Bia

Birim

Butre

Fura

Mansi

Pra

St. John's of Princes

Suni or Akivida

Supon

Tano and its tributaries

Volta and its tributary the Afram

Whin

SECOND SCHEDULE

[Section 3]

Licences

FORM A

Dredging Licence

Rivers Act

Licence to Dredge for Minerals

Licence is hereby granted toto dredge in the
(1) river within the following limits, that is to say,..... (2).

This licence empowers the licensee to dredge for minerals and precious stones.

This licence is in force for one year from the dated hereof.

Dated at thisday of20.....

.....
Minister

(1) *See Regulations at back*

(2) *State limits within which licence applies*

FORM B

[Section 3]

Dredging Licence

Rivers Act

Licence to Dredge (not for Minerals)

Licence is hereby granted to.....to dredge in the
(1) river within the following limits, that is to say,.....(2).

This licence does not empower the licensee to dredge for minerals or precious stones.

This licence is in force for one year from the date hereof.

Dated at this day of 20.....

.....

Minister

See Regulations at back

(1) State river

(2) State limits within which licence applies

FORM C
[Section 10 (2)]
Steamer Licence
Rivers Act

Steamer Licence

The (1).....or (2) owned by , of
....., is hereby licensed for the.....river.

This licence expires on the 31st December, 20

Accountant-General or District Chief Executive Officer

- (1) *Name of vessel*
- (2) *Launch or tug or yacht*

FORM D
[Section 8]
Licence to Pump. Divert Water. etc.

Rivers Act
Licence to Pump, Divert Water, etc.

Licence is hereby granted to.....to pump (or otherwise divert) water from
river at in the District for the purpose of generating power
at..... (or irrigation, or as the case may be). subject to the following terms and conditions
(*here insert terms and conditions*).

This licence is in force for years from the date hereof.

Dated at the day of....., 20.....

.....
Minister

THIRD
SCHEDULE
[Section 5]

Regulations to be endorsed on Dredging Licences

1. Definition of Inspector

In these Regulations "inspector" means an officer appointed by the President to inspect dredging.

2. Notice of commencement of dredging

(1) The licensee shall give due notice to the inspector stating when the licensee wishes to commence dredging and at what part of the river.

(2) Dredging or operations connected with dredging shall not be commenced until the consent of the inspector is given in writing.

(3) The licensee shall give every facility to the inspector to examine the plans and documents relating to the dredging or operations connected with the dredging and to make copies of the plans and documents and to take the soundings and measurements which the inspector may think fit.

3. Method of working

The licensee shall not move the dredging operations from one part of the river to another without the consent of the inspector in writing; and shall, as far as possible, conduct the operations continuously along and across the bed of the river from the starting point to the limits to which the licence applies so as not to form isolated holes or deep places.

4: Obstructing of navigation prohibited

The licensee shall arrange the dredgers, barges, boats, posts, chains, anchors, and any other apparatus appertaining to any of them, so that they do not obstruct or interfere with the navigation of the river.

5. Tailings

The dredgers shall be so constructed, and shall have additional apparatus, that the tailings from them shall not be deposited in a manner that would form groins or shoals in the bed of the river.

6. Removal of deposits

Where in the opinion of the inspector, the dredging or the operations connected with the dredger have caused a groin, shoal, deposit or any other obstruction to be formed either at or near the site of the operations or in any other part of the river which causes or tends to cause erosion or any other danger to the stability of the bed of the river, or to the navigation, the groin, shoal, deposit, or any other obstruction shall be removed immediately on the receipt of a written notice from the inspector.

7. Protection of river bed and banks

(1) Where, in the opinion of the inspector, the dredging or any other operation connected with the dredging has caused or tends to cause erosion or any other damage or danger to the bed or banks of the river, or to navigation, the licensee shall construct and fix temporary timber groins, sheet piling, fascines, or any other works to the satisfaction of the inspector that may be necessary to remedy or prevent the damage, and, if necessary, dredging operations shall be suspended until those works are completed and prove satisfactory.

(2) The works shall be carried out, moved, and removed immediately on the receipt of a written notice from the inspector.

8. Dredging of tributary affecting main river

Where the river in which the dredging operations are being carried on is a tributary of another river, and in the opinion of the inspector the carrying on of the operations has caused silt, mud, or any other material to be washed down the tributary stream into the main river, and has there caused shoals or any other obstructions to navigation to be formed, or damage, or danger to the bed or banks of the river, the licensee is responsible, and regulations 6 and 7 shall apply to main river as if it was the river in which the licensee was carrying on the dredging operations.

9. Liability of licensee

The licensee is liable for and shall indemnify the Government and every officer of the Government against accidents, injuries, damages, trespass, and losses caused or arising directly or indirectly by reason of or in connection with the dredging operations or the works pertaining to the dredging operations.

10. Settlement of disputes as to regulations

In case, and so often as a question, difference, or dispute arises as to the true intent and meaning of these Regulations, or a part of these Regulations that question, difference, or dispute shall be referred to the sole arbitration and award of the Minister?

FOURTH SCHEDULE

[Section 12]

Fees

For dredging licence A	¢ 3,600,000
For dredging licence B.....	¢ 600,000
For steamer licence C	¢ 600,000

3. The concluding words of the regulation that the "decision of the Minister shall be binding and final" have been omitted as being in contravention of clause (3) of article 125 of the Constitution.