

CAP. 86

TOWNS ACT, 1892

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CAP. 86

TOWNS ACT, 18921

AN ACT to provide for the better regulation of towns and promoting public health and for related matters.

Regulation of Streets, Buildings, Walls

1. Application

- (1) This Act shall apply to the towns, places and area specified in the First Schedule.
- (2) The Minister may, by legislative instrument,
 - (a) define the boundaries of a town or place specified in the First Schedule,
 - (b) declare that this Act, as respects the whole or anyone or more of its provisions, shall apply to any other town, place or area, or part and by the same or another legislative instrument define the boundaries of that town, place or area, or part,
 - (c) declare that this Act shall be suspended in whole or in part in a town, place or an area, or part, to which it applies by virtue of this section.
- (3) Where two or more towns or places which are under the jurisdiction of a paramount chief are in a close proximity to one another and the Minister is of the opinion that the towns and places should be treated as one town for the purposes of this Act, the towns or places, together with any of the lands lying around or adjacent to them shall for the purposes of this section and of all the other purposes of this Act be deemed to be and shall be treated as one town.

1. This Act was enacted as the Towns Ordinance, 1892 (No. 13 of 1892). It was Cap. 69 of the 1936 Edition and Cap. 86 of the 1951 Edition of the Laws of the Gold Coast. It was assented to on 4th November, 1892.

(4) A legislative instrument made under this section may apply to an area adjacent to the town or place to which it relates which in the opinion of the Minister is desirable, considering the probable development of the town or place affected.²

(5) *Spent.*

2. Supervision of streets

All streets are under the immediate supervision of the relevant District Assembly and the Director of Public Works, which or who may cause a street to be levelled, drained, altered, and repaired as occasion may require.

3. Purchase of land for streets

The Minister, on paying compensation to the persons entitled to it, may acquire a land or an easement for the purpose of widening, opening, enlarging, draining, or otherwise improving a street, or of making a new street.

4. Taking materials for streets and bridges

Where the Director of Public Works requires materials for the construction or repair of a street, bridge, or drain, which are obtainable from an unoccupied land in or near to a town, the Director or a person authorised by the Director may enter on and take from that land the materials required, without the payment of compensation to any person.

5. Regulation of line of building

(1) Where a house or building situated in a street, or the front of a street, has been taken or has fallen down, the District Chief Executive may prescribe the line in which a house or building, or its front, to be built or rebuilt in the same situation, shall be erected, and the house or building or its front shall not be erected except in accordance with that prescription.

(2) The District Chief Executive shall pay or tender compensation to the owner or any other person immediately interested in the house or building, for the loss or damage sustained in consequence of its being set back or forward.⁴

6. Unlawful excavations in street

(1) A person shall not without the consent of the Director of Public Works in writing first obtained, make an excavation in a street, and when with the consent a person makes an excavation in a street, that person shall, at that person's own expense, cause the excavation to be sufficiently fenced.

(2) A sufficient light shall be fixed in a proper place on or near the street and continued every night from sunset to sunrise, and that person shall fill up the excavation to the satisfaction of the Director of Public Works.

(3) A person who fails to comply with the requirement of this section commits an offence and is liable on summary conviction to a fine not exceeding one thousand five

2. Substituted by section 2 of No. 15 of 1945.

3. The subsection provided for the validation of orders made prior to 31st December, 1945.⁴

Amendment by section 8 of No. 7 of 1909.

hundred penalty units and to a fine not exceeding five hundred penalty units for each day during which the failure continues.

(4) The Director of Public Works may fill up the excavation and recover the expenses from the person as a debt due to the Government. ⁵

7. Construction of bridges over open street drains

(1) A person shall not without the consent in writing of the Director of Public Works, construct a bridge or any other means of crossing, over an open public water drain or any other drain in or contiguous to a street; but the Director of Public Works may, if requested so to do by a person, and on the cost, as estimated by the Director of Public Works, being paid in advance, construct the bridge or the other means of crossing the drain, and execute the works necessary for that purpose.

(2) A person who contravenes a provision of subsection (1) is liable on summary conviction to a fine not exceeding seven hundred and fifty penalty units, and the Director of Public Works may remove that bridge, or that other means of crossing that drain, and may repair the damage done by the construction or removal, and may recover the expenses as a debt due to the Government. ⁶

8. Removal of projections and obstructions

(1) The District Chief Executive may give notice to the occupier or owner of a house or building to remove or alter a porch, shed, verandah, projecting window, step, pavement, sign post, show board, or any other obstruction or projection erected against or in front of the house or building which is an obstruction to the safe and convenient passage along the street.

(2) The occupier or owner shall, within fourteen days after the service of the notice, remove the obstruction or alter it in the manner directed by the District Chief Executive, who may remove the obstruction or projection and recover the expense of doing so as provided by section 13.

(3) Where the obstruction or projection was not made by the occupier but it is removed by the occupier, the occupier is entitled to deduct the expense of the removal from the rent payable to the owner of the house or building. ⁷

(4) A person who fails to comply with the notice is liable to pay a penalty not exceeding five hundred penalty units.

9. Building Regulations

(1) The Director of Public Works may by legislative instrument make Regulations for the control, under permit or otherwise, of the construction of buildings and any other structures and of the execution of work on existing buildings and structures, and may by the Regulations prescribe the conditions subject to which the construction of buildings and any other structures and the execution of work on existing buildings and structures may be undertaken and carried out. ⁸

5. Substituted by section 3 of No. 28 of 1927.

6. Substituted by section 3 of No. 28 of 1927.

7. Amended by section 8 of No. 7 of 1909.

8. Substituted by section 2 of No. 24 of 1943.

- (2) In addition to subsection (I), the Regulations may make provision
- (a) for the making and maintenance of passages, lanes and roads for the purpose of giving access to premises;
 - (b) for the space about new buildings and buildings which are to be extended or altered, so as to ensure free circulation of air;
 - (c) for building lines and the lay-out of buildings;
 - (d) for the level of the ground floor of buildings;
 - (e) for the lighting and ventilation of buildings, the height of buildings and the dimensions of rooms and corridors;
 - (f) for reducing the risk of fire in buildings and ensuring sufficient means of exit from new buildings in the event of fire;
 - (g) preventing the construction of buildings and any other structures which would be a disfigurement to the town or neighbourhood or not be in keeping with the architectural character of the neighbourhood and the execution of a work which would tend to make existing buildings and structures a disfigurement to the town or neighbourhood or not be in keeping with the architectural character of the neighbourhood;
 - (h) respecting the repair and renovation of buildings and any other structures, and compelling necessary repairs and renovations to buildings and any other structures to be carried out;
 - (i) for the certification of dwelling-houses as having been constructed in accordance with the requirements of the Regulations as a condition precedent to the habitation;
 - (j) respecting the construction of hoardings and similar structures and temporary buildings;
 - (k) for the use of proper building scaffolding, hoardings, machinery and appliance in connection with the construction, extension, alteration, repair and renovation of buildings and any other structures;
 - (l) prescribing the conditions to be satisfied by a site for a building or for a class of building;
 - (m) respecting the provision of sanitary arrangements and conveniences of or in connection with new buildings;
 - (n) for cutting into, laying open and pulling down a work suspected to have been executed in contravention of a provision of any of the Regulations or a permit granted under the Regulations;
 - (o) for the designation of streets as shopping streets or business streets, and prescribing special requirements to be satisfied by buildings constructed in that area;
 - (p) for the drainage of streets, lands, compounds and new buildings;
 - (q) respecting the level, width and construction of streets; (r) regulating or prohibiting the construction of wells;

- (s) respecting the period of duration of a permit it provided for under a provision of any of the Regulations and the extension of the period, and for the revocation of the permit it if the construction of the building or execution of the work to which it relates is not begun within a time specified in the permit;
 - (t) for the refusal of a permit to an applicant who has not completed a building or a work under a permit previously granted;
 - (u) prescribing the forms to be used;
 - (v) prescribing the fees to be paid in respect of a matter or thing prescribed by the Regulations;
 - (w) for the removal or alteration of an obstruction or a projection likely to cause danger or inconvenience to passengers;
 - (x) for matters connected with or incidental to the matters referred to in this subsection.⁹
- (3) The Director of Public Works may further provide for the observance of the Regulations by enacting provisions relating to
- (a) the giving of notices,
 - (b) the deposit of plans, sections, and specifications, and any other particulars by persons intending to layout streets, to construct wells, or to construct, extend, alter, repair, or renovate buildings,
 - (c) inspection by officers as specified in that Regulation and for the maintenance of building agents on the sites of works, and the keeping of proper plans.¹⁰
- (4) The Regulations may be made with respect to towns generally, or with respect to particular towns, or with respect to particular areas, buildings, or works, whether situated in towns or in particular towns.¹¹
- (5) The Regulations, whether made by the Director of Public Works or by a municipal authority acting under a statutory provision in that behalf enabling it, are subject to the approval of the Minister; and, when so approved, they shall be published in the *Gazette*.¹²
- (6) The Regulations made under section 9 as the section stood prior to the enactment of the Towns (Amendment) Ordinance, 1943, and in force on the 24th day of September, 1943, shall be deemed to have been made under this section.¹³

10. Unauthorised buildings

(I) Where a building is being or has been constructed, in contravention of a provision of the Regulations or of a permit granted under the Regulations or in contravention of paragraph (b) of subsection (1) of section 17 or of a permit granted under the Regulations, the District Chief Executive or the approved local government authority acting with the concurrence of the Director of Public Works, may give notice in writing in the

9. Added by section 2 of No. 24 of 1943.

10. Substituted by section 4 of No. 28 of 1927.

11. Substituted by section 5 of No. 12 of 1926.

12. And shall be subject to clause (7) of article II of the Constitution. Substituted by section 5 of No. 12 of 1926. 13. Adapted from section 5 of No. 24 of 1943.

prescribed form to the owner of the premises on which the contravention is taking or has taken place, requiring the owner on or before the day specified in the notice, by a statement in writing personally signed by the owner or the agent duly authorised in that behalf and duly served on the District Chief Executive or the relevant local government authority to show sufficient cause why the building, structure or work should not be removed, altered or pulled down.

(2) Where the owner fails to show sufficient cause why the building, structure or work should not be removed, altered or pulled down, the District Chief Executive or the relevant local government authority shall carry out the removal, alteration or pulling down specified in the notice.¹⁴

(3) For the purposes of this section, "building" includes any other structure or work, and "owner" involves an occupier.¹⁵

11. Penalties

In addition to section 10, a person who contravenes a provision of the Regulation or the terms of a permit granted under any Regulations or who contravenes paragraph (b) of subsection (I) of section 17 or the terms of the relevant permits commits an offence and is liable in summary conviction to a fine of five thousand penalty units and in the case of a continuing contravention to a further fine of one hundred penalty units for each day that the contravention continues after written notice has been served on the offender.¹⁶

12. New buildings

For the purposes of this Act, the re-erecting of a building taken or fallen down to or below the top of the ground floor, or of a fume building of which only the framework is left down to the top of the ground floor, or the conversion into a dwelling-house of a building not originally constructed for human habitation, shall be considered the erection of a new building.

13. Recovery of expenses

Where the District Chief Executive or the Director of Public Works incurs expense in removing or altering a building, wall, fence, or any other thing, or a part of any of them, erected or done contrary to this Act, or to a provision of the Regulations or permit made or given in pursuance of this Act, the Director or the District Chief Executive may take one or both of the following courses:

- (a) recover the expense as a debt from the person who did or caused to be done the work removed or altered, or who failed to cause the required alteration to be made, or from the occupier or owner of the premises;
- (b) sell the materials and apply the proceeds in payment of the expense, paying the balance in the same manner as the balance mentioned in subsection (3) of section 14 is payable under that section.¹⁷

14. Substituted by section 3 of No. 24 of 1943.

15. Substituted by section 3 of No. 24 of 1943.

16. Added by section 3 of No. 24 of 1943.

17. Amended by section 8 of No. 7 of 1909 and section 6 of No. 12 of 1926.

*Dangerous Buildings***14. Fencing of ruinous or dangerous buildings**

(1) Where a building or wall or anything affixed is deemed by the District Chief Executive to be ruinous or dangerous to passengers, or to the occupiers of the building or of neighbouring buildings, the District Chief Executive

(a) may take the necessary measures by fencing or otherwise for the protection of passengers, and

(b) may by notice in writing to the owner of the building or wall, if known and resident in or within one day's journey from the town where it is situated, require the owner to take down, or may require the owner to secure or may require the owner to repair the building, wall or other thing.¹⁸

(2) Where the owner does not begin the work required within four days after service of the notice, or does not complete the work as speedily as the nature of the case admits, or where owner is not found, the District Chief Executive

(a) may, subject to an order of the Minister, cause the building, wall, or any other thing, or so much of it as is in a ruinous or dangerous condition, to be taken down, and

(b) may rebuild or repair the same;

and the expenses of protecting passengers, and of taking down, rebuilding, or repairing the building, wall, or any other thing, shall be a debt due to the District Chief Executive and be recoverable in like manner as any other debt may be recovered.¹⁹

(3) Where an owner is not found within the limits, or does not appear to pay the expenses within six months after the completion of the rebuilding or repairs, the District Chief Executive

(a) may cause the building or wall and the materials and site or a part of any of them, to be sold by public auction, and

(b) may apply the proceeds in defraying the expenses, and

(c) may pay the balance, to the owner if the owner established the claim within twelve months after the date of the sale, failing which, the balance shall be paid into the Consolidated Fund.²⁰

*Enclosure of Town Lands***15. Fencing of land**

(1) An occupier of land within a town, or the owner if the land is unoccupied, shall fence it with a fence and in a manner approved by the District Chief Executive and shall maintain the fence in good repair to the satisfaction of the District Chief Executive.

18. Amended by section 3 of No. 32 of 1938.

19. Amended by section 3 of No. 32 of 1938.

20. Amended by section 8 of No. 7 of 1909.

(2) An occupier who defaults in commencing to make or repair the fence after fourteen days' notice from the District Chief Executive, or does not complete the fence or the repairs as speedily as the nature of the work admits, is liable to a fine of twenty-two penalty units, and to a further fine of five penalty units for every day during which the default continues after conviction.²¹

16. Trimming offences

The District Chief Executive may, after ten days' notice to the occupier of the land, or to the owner if it is unoccupied, or without notice in case an owner or occupier is not found in or within one day's journey from the town where it is situated, cause a tree or live fence to be cropped of superfluous branches or of branches which interfere with the traffic along a street, and may recover the expense of doing so as provided by section 13.²²

Health Areas

17. Regulation of erection of buildings

(1) The Minister may issue an executive instrument declaring that the erection of a building in the whole or in a specified part of a town is to be regulated in the interests of public health, and so long as the instrument remains in force,

- (a) the Minister may acquire land within the area specified in the instrument under the State Land Act, 1962 (Act 125) or the Property and Control Act, 1960 (CA6) as land required in the public interest for public purposes; and
- (b) a person shall not erect a house, building, wall, or fence, or add to or alter a house, building, wall, or fence, within the area specified in the instrument without the written permission granted in that behalf by the Director of Public Works or by the Lands Commissioner or except in accordance with the terms or provisions of the permit embodying the permission;²³
- (c) the area in the vicinity of the pipe-line connected with the water supply between Accra and Achimota specified in the First Schedule shall for the purposes of this section be deemed to be a town in respect of which the President has made an order that the erection of a building in that area is to be regulated in the interests of public health.²⁴

(2) An order made or purporting to be made under this section as enacted prior to the 9th day of November, 1928, is hereby declared to be and always to have been for all purposes as valid if it had been made under and in accordance with the provisions of this section as amended by the Towns Further Amendment Ordinance, 1928.²⁵

21. Amended by section 8 of No. 7 of 1909.

22. Amended by section 8 of No. 7 of 1909.

23. Amended by section 2 of No. 3 of 1901 and section 7 of No. 12 of 1926.

24. Amended by section 2 (2) of No. 23. of 1983 and section 2 of No. 20 of 1928.

25. Added by section 3 of No. 20 of 1928.

*Open Spaces***18. Open spaces**

(1) Without the permission of the Regional Minister a person shall not erect a house, building, wall, or fence on, or fence or enclose or permanently obstruct or cultivate or turn to private use, an open space, or a part of it whether it is private property or not, and whether it is so declared or not.²⁶

(2) The certificate of the Director of Public Works that a land within a town is an open space is conclusive evidence of the fact stated in the certificate in legal proceedings without proof of the signature, unless the Court sees reason to doubt its genuineness.²⁷

(3) The Minister may direct that an unoccupied land around or adjacent to a town shall be declared an open space; and after the publication of the direction in the *Gazette* subsections (1) and (2) shall apply to that land.

(4) Subsections (1) and (2) applies to the lands declared as open spaces on the 24th day of March, 1890, as notified in the *Gazette* for March, 1890.

19. Removal of buildings unlawfully erected

A person offending against a provision of section 18 shall, on being required so to do by the Director of Public Works, remove the erection, fence, or obstruction, and, so far as may be, put the open space in the same condition in which it was before the offence was committed; and shall commence to execute the required work within seven days after the requirement, and shall complete it as speedily as the nature of the works admits; otherwise the Director of Public Works may execute the work and recover the expense of so doing as provided by section 13.

*Naming Streets and Numbering Houses***20. Naming of streets**

The relevant local government authority may name a street, and for the purpose of notifying the name may fix a post, board, plate, or any other thing in a street, or to or against a building, wall, or fence, or may paint or write the name on a building, wall, or fence.²⁸

21. Numbering of houses

(1) The District Chief Executive may cause the houses and buildings in a town to be numbered, and may cause the numbers to be painted, printed, or written on a door, building, post, wall, or fence, or may fix to a door, building, post, wall, or fence a board, plate or any other thing for the purpose of notifying the numbers.²⁹

26. Amended by section 4 of No. 17 of 1921.

27. Amended by section 8 of No. 7 of 1909.

28. Amended by section 8 of No. 7 of 1909.

29. Amended by section 8 of No. 7 of 1909.

(2) The owner and occupier of a house or building which has been numbered shall at their own expense keep the numbers exposed to public view, and shall not allow them to become obliterated or illegible.

(3) A person who contravenes this section is liable to a fine of five penalty units, and to a further fine of one penalty unit for each day during which the offence continues after conviction.

22. Penalty for damaging name boards

A person who wilfully throws down or damages a post, board, plate, or other thing fixed by the relevant authority under this Act, or, wilfully obliterated, or attempts to obliterate, partially or wholly, a letter or figure painted or written under the powers given by this Act, is liable to a fine of twenty-five penalty units.³⁰

Abatement of Fires

23. Demolition to prevent spread of fire

(1) Where a house or building catches or is on fire, the Director-General of the National Fire Service may, with the purpose of staying the spreading of the fire, order the demolition of any near or adjacent house or premises to which the fire is likely to communicate, or the roofs broken down, or the thatch or any other inflammable roofing pulled or broken from the roofs.

(2) An order for the demolition of any house or premises, or for breaking down the roof, or pulling down of the roofing material shall not take effect unless the officer present at the fire is satisfied on personal view, that the order appears necessary for staying the progress of the fire.³¹

(3) The orders may be carried out by any person.

(4) A person who obstructs the execution of the order commits an offence and is liable on summary conviction to a fine not exceeding three thousand penalty units.

(5) An occupier, owner or any other person interested in any house or premises demolished or unroofed, or from which the roofing material shall have been pulled is not entitled on that account to compensation.

Slaughter-Houses and Markets

24. Provision of slaughter-houses and markets

The Regional Minister may by notice published in the *Gazette*, provide a public slaughter-house, or a public market, or both, for a town within the Region.³²

30. Amended by section 8 of No. 7. of 1909.

31. Amended by section 70 of No. 10 of 1921.

32. Amended by section 5 of No. 17 of 1921.

25. Weighting and measurement of market produce

(1) A person selling or offering for sale in a public market a thing which according to general usage is sold by weight or measure shall, if required by the buyer or intending buyer, cause it to be weighed or measured by the market clerk.

(2) A person who contravenes subsection (1) is liable to a fine of twenty-five penalty units.

26. Prohibition of sales outside markets

(1) A person who in a town for which there is a public market appointed under this Act, sells, or offers or exposes for sale, within the limits for which the public market is appointed, an article of merchandise, except in the public market or in a dwelling-house or shop, except under and by virtue of, and in accordance with the conditions and limitations contained in, a licence granted for that purpose by the relevant local government authority commits an offence, and is liable on summary conviction to a fine not exceeding one hundred penalty units.

(2) The relevant local government authority, may grant the licences, and may attach generally or in any particular case, the conditions and limitations which it considers desirable.

(3) There shall be payable in respect of the licence a fee which shall be determined by the relevant local government authority.

(4) Sales which are authorised by a provision of the Regulations made under section 28 are hereby exempted from the provision of this section.³³

(5) This section does not apply to a person who holds a valid goldsmith's hawking licence granted by the competent authority under the Gold Mining Products Protection Act, 1909³⁴ and who does not sell, offer or expose for sale articles other than articles manufactured of gold.³⁵

27. Regulations for slaughter-houses and markets

(1) With regard to public slaughter-houses or markets or with regard to anyone or more of those houses or markets, the Minister may by legislative instrument make Regulations for all or any of the following purposes:

- (a) prescribing the rents for, and the conditions under which market stalls shall be let, and regulating their use;³⁶
- (b) keeping the same clean and free from nuisances or obstructions or in their approaches;
- (c) fixing the days and hours for the opening of those places;
- (d) regulating the butchers, carriers, and labourers, and any others resorting to or employed about the market;

33. Amended by section 2 of No. 13 of 1928.

34. Cap. 149 of the 1951 Edition of the Laws of the Gold Coast.

35. Added by section 2 of No. 2 of 1941.

36. Substituted by section 2 of No. 31 of 1939.

- (e) preventing cruelty;
- (f) preventing and detecting the use of unjust weights, scales, balances, or measures.

(2) A person who wilfully breaks or disregards a provision of the Regulations or wilfully obstructs the execution of any of them is liable to a fine of one hundred penalty units, and to a further fine of twenty five penalty units for each day that the breach or offence is continued after conviction; and any unjust weights, scales, balances, or measures used or found in a slaughter-house or market may be seized by a health officer or peace officer or market clerk and may be forfeited by order of the District Court.

28. Regulation of sales of meat

(1) The Minister or the relevant local government authority may by legislative instrument make Regulations with respect to the regulation and restriction of the sale in places other than a public market of fresh, chilled, or frozen meat, flesh, fowls, game, or fish, and with respect to the regulation and restriction of the manufacture or storage of articles of food and drink intended for sale, and for any other purposes, including the imposition of fees.³⁷

(2) A person committing an act or making an omission in contravention of the provision of the Regulations commits an offence, and on summary conviction is liable to a fine not exceeding three thousand penalty units.³⁸

Nuisances

29. Definition of nuisances

(1) For the purposes of this Act, the following are nuisances liable to be dealt with in the manner provided:

- (a) an animal so kept as to be a nuisance or injurious to health;
- (b) the growth of weeds, prickly pear, long grass, or wild bush of any sort;
- (c) the keeping or harbouring of an animal in any premises in a manner, or in any premises so constructed or so situated, as to cause or to be likely to cause the keeping or harbouring to be a nuisance or injurious to health;³⁹
- (d) a house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates;
- (e) a pool, ditch, gutter, an eaves-gutter, a watercourse, well, pond, tank, privy, urinal, cesspool, drain, or an ashpit, which is, or is in a state as to be offensive or injurious or dangerous to health, or likely to be so;⁴⁰
- (f) an accumulation or a deposit of articles or things which is detrimental to the amenities of the place, or in respect of which it is certified by a health officer that by reason of its character or situation it is or is likely to be injurious or dangerous to health;⁴¹

37. Amended by section 4 of No. 13 of 1931.

38. Added by section 8 of No. 12 of 1926.

39. Added by section 3 of No. 13 of 1928.

40. Substituted by section 31 of No. 20 of 1927.

41. Substituted by section 31 of No. 20 of 1927.

- (g) any street, house, or premises in a state as to be a nuisance or injurious to health;
- (h) a work, manufactory, trade, or business, injurious to the health of the neighbours, or dangerous, or so conducted as to be dangerous or injurious to health;
- (i) a well, pond, or tank, the water of which is so tainted with impurities or otherwise unwholesome as to be injurious to the health of persons using it;
- (j) a rat-infested house or premises, or a rat-infested part of any house or premises;⁴²
- (k) the keeping of swine.

(2) As regards swine, the provisions of this Act relating to nuisances shall apply only to the towns and within the limits prescribed by a legislative instrument made under section 1.⁴³

30. Inspector of nuisances

An inspector of nuisances shall make from time to time inspection of the district, with a view to ascertain the existence of nuisances calling for abatement under this Act, and enforce the provisions of this Act.

31. Information of nuisances

Information of a nuisance may be given by an aggrieved person or by a policeman.

32. Notice to abate nuisance

(1) Where an inspector of nuisances or health officer or the relevant of local government authority receives information of, or otherwise has reason to suppose the existence of, a nuisance, the authority shall or by an authorised person, visit the premises where the supposed nuisance exists, and shall serve a notice on the person by whose act, default, or sufferance the nuisance arises or continues, or the occupier or owner of the premises, requiring the abatement of the nuisance; and in the case of a nuisance falling within the purview of paragraph (c) of section 29, the notice may require the occupier or owner of the premises concerned to remove the animal concerned from the premises.⁴⁴

(2) Where the person on whom the notice is served defaults, in complying with any of its requisitions within the time specified by the notice, or within five days if the time was not specified, or fails to satisfy the inspector of nuisances or health officer or the relevant local government authority that due diligence has been used to carry out the requisitions, or if the nuisance, although abated since the date of the notice, is in the opinion of the inspector of nuisances, health officer, or the relevant local government authority likely to recur on the same premises, the health officer, inspector or authority shall take proceedings before a Court.

42. Added by section 2 of No. 20 of 1920.

43. Substituted by section 6 of No. 13 of 1931.

44. Amended by section 4 of No. 13 of 1928.

(3) Where the Court is satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, the Court shall make

- (a) an order on the person in default, requiring that person to comply with all or any of the requisitions of the notice, or otherwise to abate the nuisance within the time specified in the order, or a sufficient time determined by the Court, or
- (b) an order prohibiting recurrence of the nuisance, or
- (c) an order both requiring abatement and prohibiting the recurrence of the nuisance.

(4) The Court may impose a fine of fifty penalty units on the person on whom the order is made in respect of the nuisance existing previously to the order.

(5) A person who disobeys an order requiring abatement or prohibiting the recurrence of the nuisance is liable if that person fails to satisfy the Court that due diligence had been used to carry out the order, to a fine of one hundred penalty units for each day during the default.

(6) A person who acts knowingly, and wilfully contrary to an order of prohibition is liable to a fine of five hundred penalty units per day during the contrary action.

(7) The inspector of nuisances or health officer or the relevant local government authority may enter the premises to which the order relates and abate the nuisance, and do whatever may be necessary in execution of the order, and recover the expenses incurred as a debt from the person on whom the order is made.⁴⁵

33. Power to abate nuisance

Where it appears to the satisfaction of the Court that the person by whose act or default the nuisance arises, or the owner or occupier of the premises is not known or cannot be found, the necessary work for abating the nuisance may be executed by the inspector of nuisances or health officer or the relevant local government authority.⁴⁶

34. Powers of entry to abate nuisances

(1) An inspector of nuisances, health officer, or the relevant local government authority or a person or persons authorised in writing by any of them together with an assistant bearing the official badge or token, may enter and inspect any premises at any time between six in the morning and six in the evening, for the purpose of ascertaining the existence or continuance of a nuisance, or of abating a nuisance.

(2) Where the admission to premises for any of the purposes of this section is refused, the District Chief Executive may, require the person having custody of the premises to admit any of the persons referred to in subsection (1) into the premises during the specified hours.

(3) Where a person is not found on the premises, the District Chief Executive may authorise any of the person referred to in subsection (1) to break and enter the premises.

45. Amended by section 8 of No. 7 of 1909.

46. Amended by section 8 of No. 7 of 1909.

(4) The authority of the District Chief Executive remains in force until the nuisance is abated or the work for which the entry was necessary had been done.

(5) A person who refuses admission to an inspector or any of the persons referred to in subsection (1) or obstructs or hinders any of them in making the entry or inspection or abatement of nuisance or disobeys the order is liable to a fine of one thousand penalty units.

35. Overcrowding

(1) For the purposes of this Act, a room, hall, or passage

(a) used as a dormitory of a school is injurious to the health of the inmates if it does not provide at least four hundred and eighty cubic feet of air space for each pupil, a height of over twelve feet being ignored in the calculation;

(b) used as a class room of a school is overcrowded as to be injurious to the health of the inmates if it does not provide at least one hundred and twenty cubic feet of air space and twelve square feet of floor space for each pupil; but a room, hall, or passage used as a class room and having been so used immediately prior to the coming into force of this section is not overcrowded as to be injurious to the health of the inmates if it provides at least one hundred cubic feet of air space and ten square feet of floor space for each pupil;

(c) used wholly or partially for human occupation and not used as a dormitory or class room of a school is overcrowded as to be injurious to the health of the inmates if it does not provide at least three hundred and sixty cubic feet of air space and thirty-six square feet of floor space for each adult, two children under ten years of age counting as one adult.⁴⁷

(2) An owner or occupier of premises on or within which an overcrowding within the meaning of subsection (1) takes place commits an offence independently of any other liability which may have been incurred, and on summary conviction is liable to a fine not exceeding two thousand penalty units, and in the case of a continuing offence to a further fine not exceeding one hundred penalty units for each day that the offence continues after written notice of the offence from the appropriate authority has been served on the offender.

(3) In addition to the other powers and facilities provided by this Act or by any other law, for the purpose of ascertaining whether an offence against a provision of this section is being or has been committed in respect of a building or of a part of a building which is or is suspected by the health officer of being or of having been so overcrowded as to be injurious to the health of the inmates, a District Magistrate may, on duly receiving a sworn information in that behalf /Tom the health officer, authorise, by an order signed personally by the Magistrate, two or more officers, who shall be named in the order, to enter the building or that part of a building between the hours of 6 p.m. and 11 p.m.⁴⁸

47. Substituted by section 7 of No. 13 of 1931.

48. Added by section 9 of No. 12 of 1986 and amended by section 3 of No. 13 of 1935.

CAP. 86**36. Prohibition of use of unfit buildings**

(1) Where a house or building, by reason of a nuisance, or of its insecurity and liability to fall down in whole or in part, is in the judgment of the Court unfit for human habitation, the Court may prohibit its use for that purpose until in its judgment the house or building is rendered fit for habitation; and if necessary, may authorise a police officer to remove its inhabitants.

(2) A person who lives in or uses a house or building in contravention of the prohibition is liable to a fine of ten shillings, and to a further fine of fifteen penalty units for each day during which the act of contravention is continued.

37. Prevention of fouling of drinking water

The pigeons or any other birds that foul water intended for human consumption, or a surface or ground from which the water is or may be collected, or a well, stream, tank, reservoir, an aqueduct, a pond, or place where the water is or may be, or communicating conduit, may be destroyed by the owner or occupier of the premises on which the fouling takes place.

38. Regulations on nuisances

(1) The Minister may by legislative instrument, make Regulations

(a) for the prevention of the keeping of animals on any premises so as to be a nuisance or injurious to health;

(b) imposing on the chiefs, captains, and headmen of a town to which the Local Government Act, 1993 (Act 462) does not extend, the duty of digging and maintaining toilet facilities for the use of the inhabitants of the town;⁴⁹

(c) imposing on the chiefs, captains, and inhabitants of a town the duty of cleansing and keeping clear the open spaces within or around or adjacent to the town, or any of them, from weeds, grass, prickly pear, wild bush, and any other vegetation, and from rubbish and deposits of any kind;

(d) controlling and regulating the installation and maintenance of private toilet facilities and compelling the use of a sanitary service and controlling the method of dealing with all night-soil, slops, rubbish, or refuse whatsoever;

(e) prescribing the fees, which fees may be made payable in advance, to be levied in respect of the sanitary service referred to in paragraph (d) and allocating the incidence of those fees.⁵⁰

(2) The Regulations made under paragraphs (b) and (c) of subsection (1) shall be subject to the Labour Act, 2003 (Act 651).⁵¹

(3) A person who defaults in complying with a provision of the Regulations is liable to a fine of twenty- five penalty units, and to a further fine of five penalty units a day during the continuance of the default after conviction.⁵²

49. Amended by section 5 of No. 16 of 1916.

50. Amended by section 2 of No. 19 of 1942.

51. Amended by section 2 of No. 23 of 1935.

52. Amended by section 2 of No. 23 of 1903.

(4) Despite the provisions of subsection (3) of section I, a chief is liable for refusing or failing to carry out an order in respect of a part of a town or place outside of the chief's jurisdiction.⁵³

*Infectious Diseases*⁵⁴

39. Cleansing and disinfecting premises

(1) Where a health officer considers that the cleansing and disinfecting of a house or its part or of the articles in the house, would tend to prevent or check infectious disease, the officer shall give notice to the occupier or owner requiring the owner or occupier to cleanse and disinfect the house, or the part or the articles.

(2) Where the person to whom notice is given fails to comply with the notice that person is liable to a fine of fifteen penalty units for every day during which the default continues and the health officer may cause the house, or the part and articles, to be cleansed and disinfected, and may recover the expenses from the occupier or owner in default.

40. Prohibition on letting infected houses

(1) A person who knowingly lets, for hire or otherwise, a house, room, or part of a house in which a person has been suffering from a dangerous infectious disorder, without having the house, room, or part of a house, and those articles properly disinfected to the satisfaction of the health officer, is liable to a fine of two thousands penalty units.

(2) For the purposes of subsection (1)

(a) the keeper of an inn shall be deemed to let for hire part of a house to a person admitted as a guest into the inn;

(b) "Inn" includes a hotel, restaurant or any other place where food is served or found for human consumption.

41. Prohibition on exposure of infected persons or things

A person who

(0) while suffering from a dangerous infectious disorder wilfully exposes the person without proper precautions against spreading the disorder in a street, public place, shop, an inn, or a public conveyance; or

(b) being in charge of a person so suffering, so exposes the sufferer; or

(c) gives, lends, sells, transmits, or exposes without previous disinfection the bedding, clothes, or any other things which have been exposed to infection from the disorder; or

(a) being in charge of a public conveyance does not immediately provide for its disinfection after it has conveyed a person suffering from a dangerous infectious disorder, is liable to a fine not exceeding two thousands penalty units.

53. Added by section 3 of No. 34 of 1928.

54. See also Infectious Diseases Act, 1908 of 1951 Edition (Cap. 78).

42. Removal of infected persons

(1) Where a suitable hospital or place for the reception of the sick is provided, a person who is suffering from a dangerous infectious disorder, and is without proper lodging or accommodation, or is lodged in a house so overcrowded that there is the possibility of the spread of the disorder may, with the consent of the superintending authority of the hospital or place, be removed to that place by order of a District Chief Executive.

(2) A person who wilfully disobeys or obstructs the execution of the order, is liable to a fine of one thousand five hundred penalty units.

*Dogs***43. Licensing of dogs**

A person who keeps a dog shall pay for it an annual duty of fifteen penalty units and shall take out an annual licence to keep it.⁵⁵

44. Form of licence

(1) Dog licences shall be in the form directed by the Accountant-General, and shall be granted at Accra by the Accountant-General and in any other districts by the District Chief Executive.

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

45. Badge for licences

(1) A person taking out a dog licence shall be supplied by the officer granting it with a metal badge to be worn by the dog for which the licence is taken out.

(2) At the expiration of a licence the person to whom the badge was supplied along with it shall on demand deliver up the badge to the Accountant-General or District Chief Executive.

(3) A person who refuses or neglects without sufficient excuse to deliver up the badge is liable to a fine of fifteen penalty units.

46. Register of licences

An officer authorised to grant dog licences shall keep a register of the licences granted, specifying the name and place of abode of every person licensed and the number of dogs which each person is licensed to keep.

47. Penalty

A person who keeps a dog without having a licence for it in force, or keeps a greater number of dogs than that person is licensed to keep, is liable for each offence to a fine of sixty penalty units for each dog so kept.

55. Amended by section 2 of No. 3 of 1929.

48. Keeper of dog

A person in whose custody, charge, or possession, or in whose house or premises, a dog is found or seen shall be deemed to be the person who keeps the dog, unless the contrary be proved.

49. Penalty for not producing licence

A person who, having a dog licence in force, refuses or neglects without sufficient excuse to produce and deliver it to be examined and read by a police officer or an inspector of nuisances within a reasonable time after request by the officer, is liable to a fine of sixty penalty units.

50. Dog under six months

A duty or licence shall not be required for a dog under the age of six months, but on the hearing of a charge of keeping a dog without licence the proof of the age of the dog lies on the defendant.

51. Seizing of dogs

(1) A police officer or an inspector of nuisances may take possession of a dog not wearing a badge for the then current year, found in a street and not under the control of a person, and may detain the dog until the owner has claimed it and paid the expenses incurred by reason of the detention.

(2) Where the owner of the dog taken possession of is known, notice of the seizure shall immediately be given to the owner.

(3) Where a dog has been detained for three clear days without the owner claiming it and paying the expenses incurred by its detention, the District Chief Executive may cause it to be sold or destroyed and the moneys arising from the sale shall be applied in the manner in which fines under this Act are applicable.

52. Dogs found at large

(1) Where a mad dog, or a dog suspected of being mad, is found in a town or within ten miles of a town, the District Chief Executive may, subject to the directions of the Minister, make an order placing appropriate restrictions on all dogs not being under the control of a person throughout the town, or a part as prescribed in the order.

(2) A person who acts in contravention of the order, of which due notice has been given, is liable to a fine of sixty penalty units.

(3) The provisions of section 51 relating to the detention and sale or destruction of dogs found in a street without a badge and not under control shall apply to dogs found at large in contravention of the order.

*Procedure***53. Determination of compensation**

A question respecting the amount or payment or distribution of, compensation payable under this Act and the cases of disputed interest or title arising in connection with the compensation shall be settled as nearly as may be in accordance with State Lands Act, 1962 (Act 125).

54. Service of notices

A notice required to be given under this Act shall be in writing; and a notice or order served in the manner prescribed for the service of summonses by the Courts Act, 1993 (Act 459), shall be sufficiently served.⁵⁶

55. Limitation of time

A prosecution for an offence under this Act shall be commenced within twelve months from the time when the matter of complaint arose.

56. Rules relating to fines

The rules relating to punishments contained in the Criminal Offences Act, 1960 (Act 29) shall apply to the punishments which may be inflicted under this Act.

57. Joinder of parties

(1) Where a nuisance under this Act appears to be wholly or partially caused by the acts or defaults of two or more persons, the complainant may institute proceedings against any one of them, or may include all or any two or more of them in one proceeding.

(2) Anyone or more of those persons may be ordered to abate the nuisance, so far as that appears to the Court to be caused by the acts or defaults of that person or may be prohibited from continuing the acts or defaults which the Court finds as matter of fact contribute to the nuisance or may be fined or otherwise punished, although the acts or defaults of anyone of those persons would not separately have caused a nuisance; and the costs may be distributed as to the Court appears fair and reasonable.

58. Burden of proof

Where in a proceeding under this Act an inmate of a house is summoned or otherwise dealt with as the occupier the proof of whether or not that person is the occupier lies on that person.

59. Publication of Regulations

The Regulations and orders made under this Act shall come into operation in accordance with clause (7) of article II of the Constitution.

60. Application for permission

(1) The application for a sanction or permission which may be required by or under this Act shall be made in writing, in the prescribed form to the appropriate authority, and shall contain full particulars of the matter for which the sanction or permission is sought, and shall be accompanied by the prescribed plans.⁵⁷

(2) The giving or refusing of a sanction or permission is in the absolute discretion of the authority in whom or in which the discretion is vested; and its refusal shall not entitle a person to compensation.⁵⁸

56. Amended by section 108 of No. 7 of 1935.

57. Substituted by section 10 of No. 12 of 1926.

58. Amended by section 6 of No. 17 of 1921.

*Protection of Officers***61. Limitation of defendant's liability**

In an action against a person employed under the authority of the President in carrying this Act into effect for anything done in the execution or intended execution of this Act, though judgment is given for the plaintiff, that person shall not have costs against the defendant nor more than nominal damages, unless the Court otherwise directs. ⁵⁹

62. Health officers

A health officer and an inspector and assistant inspector of nuisances, while acting in that capacity shall, by virtue of that appointment, and without being sworn in, be deemed to be a police officer, and have the powers and privileges of a police officer, for the purpose of the execution of duty under this Act.

*Miscellaneous***63. Regulations**

(1) In addition to the powers of making Regulations the President may make any other Regulations consistent with this Act and subject to the further or better carrying into effect any of the purposes of this Act.

. (2) A person who defaults in complying with a provision of the Regulations is liable to a fine of five hundred penalty units and to a further fine of sixty penalty units a day during the continuance of the default after conviction.

64. Interpretation

In this Act, unless the context otherwise requires,

"Director of Public Works" includes the representative of the Director;

"health officer", "peace officer", "Director of Public Works", and "writing" have the same meanings as in the Criminal Offences Act, 1960 (Act 29);

"house" includes a school whether a day-school or a boarding-school;

"inspector of nuisances" includes a sanitary inspector;

"Minister" means the Minister responsible for Local Government;

"occupier" includes owner;

"owner" includes occupier;

"Regulations" means the relevant Regulations made under this Act;

"relevant local government authority" includes a District Assembly, a Metropolitan Assembly, a Municipal Assembly and a local government unit;

"street" includes any public way, alley, or passage, whether a thoroughfare or not; the sea beach, and an open space;

⁵⁹. Amended by section 3 of No. 13 of 1935.

"town" means a place to which this Act applies.

SCHEDULES

FIRST SCHEDULE⁶⁰

[Section I (1)]

Places and Area to which the Act Applies

ACCRA DISTRICT.

Accra.	Labadi.
Accra-Achimota Pipeline Area.	Nugo (Great Ningo).
Achimota.	Nungwa.
Agomeda.	Oblogo.
Aiyimensa.	Pokoasi. Prampram.
Ayikuma.	Tema.
Dodowa Market.	Teshi.
Kawli Gono.	Weija.
Kpone.	

ADA DISTRICT.

Ada, Otrokpe and Totimeh (4 of 1933, 11th March).	Galo.
Ada Fua.	Mati.
Agrave. •	Mleti.
Bataw. Tamatuku.	Supwe.
Big Ada.	Tefle.
Dabala (12 of 1935, 15th June).	

AHANT A-NZIMA DISTRICT.

Ajua.	Dixcove.
Akinim.	Esikado.
Apoan.	Half Assini.
Atuabo.	Sanhuma.
Axim.	Sekondi.
Beyin.	Shama.
Bruì.	Takoradi (1 of 1930, 11th Jan.).

AKWAPIM-NEW JUABEN DISTRICT.

Aburi.	Mamfe and Amanokrom (6 of 1930, 15th Feb.).
Adawso.	
Adukrom (8 of 1930, 15th Feb.).	Mampong.
Akropong and Abiriu (5 of 1930, 15th Feb.).	Mangoasi.
	Nsawam.
Dodowa.	New Mangoasi.
Jumapo.	Oyoko (21 of 1930, 9th Aug.)

60. Amended by section 3 of No. 31 of 1939 and by section 3 of No. 24 of 1943.

Koforidua.
Late.

Abetifi (16 of 1930, 7th June).
Adaíso.
Akwaseho.
Akwatia (20 of 1936, 25th July).
Anyinam.
Apedwa.
Asamankese.
Asuboi.
Bawdua (7 of 1935, 23rd March).
Bosuso.
Jejeti.
Kade.
Kankang.

Asin Foso.
Bantama.
Bebianiha (1 of 1935, 19th Jan.).
Cape Coast.
Dunkwa.
Elmina.
Imbraim.

Pakro.
Suhien (17 of 1930, 7th June).

BIRIM DISTRICT.

Kibi.
Kokorantumi.
Krabo (22 of 1930, 9th Aug.).
Kwahu-Praso.
Mpraeso.
New Tafo.
Nkawkaw.
Nkwatia (20 of 1930, 28th June).
Osiem.
Osino.
Suhum.
Tafo.
Wanchi.

CAPE COAST DISTRICT.

Komenda.
Mafraba-Akinum.
Moree.
Nyenasi.
Ongwa (8 of 1928, 19th May).
Twifu.

HO DISTRICT.

Ho (Order by Governor 34 of 1924, 25th Oct.). Kpandu (Order by Governor 34 of 1924, 25th Oct.).
Hohoe (Order by Governor 5 of 1931, 28th Nov.). Ho Kpeve (Order by Governor 2 of 1931, 14th Feb.).

KETA DISTRICT.

Agoe.
Atititi.
Awunaga.
Denu.
Dzelukofe.
Keji.
Keta.
Vodza.

SALTPOND DISTRICT.

Akra.
Anamabu (13 of 1936, 4th April).
Nakwa.
Saltpond.

SEFWI AOWIN DISTRICT.

Anwawso (Brahababun) (2 of 1931, 31st Jan.). Enchi (4 of 1925, 14th Feb.).
Hunjibre.
Asankrangwa (23 of 1930, 30th Aug.). Sefwi Bekwai.
Wiawso

VOLTA RIVER DISTRICT.

Abotia.	Kpeve (I of 1931, 31st Jan.).
Akuse.	Kpong.
Anum.	Odumasi.
Bisa.	Senchi (3 of 1935, 2nd Feb.).
Bukunaw (15 of 1931, 5th Dec.).	Somanya.
Huhunya.	

W ASA W DISTRICT.

Aboso.	Damang (7 of 1928, 19th May). Huniso.
Aboso New Railway Station Area (15 of 1933, 16th Sept.).	Huni Valley.
Adja Bepo.	Insu (15 of 1930, 17th May).
Achim.	New Bogoso (10 of 1935, 18th May).
Akintanzie.	Opon Valley.
Akropong (I of 1929, 26th Jan.).	Prestea.
Annamon (Cinnamon) Bepo.	Subri.
Ateiku.	Tarkwa (16 of 1917, 1st Sept.).
Awudua.	
Bogoso (6 of 1935, 16th March).	

WESTERN AKIM DISTRICT.

Achiasi.	Nkwanta (B7 of 1935, 3rd Aug.).
Akim Swedru.	Oda.
Jedem (II of 1935, 15th June).	

WINNEBA DISTRICT.

Abodum (I I of 1929, 16th Nov.).	Duakwa (12 of 1929, 16th Nov.).
Agona Swedru.	Kwanyaku.
Apam.	Nsaba.
Bereku.	Nyakrom.
Bobikuma (15 of 1929, 16th Nov.).	Winneba.

ACHIMOTA PIPE-LINE AREA

Description of Achimota pipe-line area

This area consists of a strip of land one-half mile wide on each side of the Accra-Nsawam road commencing at a point on the northern municipal boundary situated at two miles 132 yards from Accra on the aforementioned road, and extending to a point 7-5 miles from Accra on the same road. This area is shown on Plan a.c. No. 21514 coloured pink signed by the Acting Director of Public Works on 30th day of April, 1923.

SECOND SCHEDULE ⁶¹

[Cap. 86]

Notice under section 12 of the Towns Ordinance

To

TAKE NOTICE THAT you are hereby required on or before the day of..... by a statement in writing under your hand or the hand of some person duly authorised in that behalf by you and served upon (a) to show cause why (b) which has been constructed/executed in contravention of (c) should not be (d).....

Dated the day of

NOTE:

- (a) Specify person upon whom written statement is to be served.
- (b) Give adequate particulars of offending building, structure of work.
- (c) Specify the regulation or condition of permit contravened.
- (d) State whether building, structure or work is to be removed, altered or pulled down, and in the case of alteration give adequate particulars of alteration required to be made.

61. Added by section 4 of No. 24 of 1943.