FORESTRY AND WILDLIFE ACT

CHAPTER 60:02

Act 12 of 1976 Amended by 35 of 1982 12 of 1990

Current Authorised Pages

Pages Authorised (inclusive) by L.R.O. 1-24 1/1991

Note on Subsidiary Legislation

This Chapter contains no Subsidiary Legislation.

Note on Repeal

This Act repealed the following Ordinances:

- (a) the Exotic Fish (Prohibition) Ordinance, Cap 78;
- (b) the Turtle Ordinance, Cap 87;
- (c) the Crapaud Ordinance, Cap 91;
- (d) the Mongoose Ordinance, Cap 94;
- (e) the Wild Bird Protection Ordinance, Cap 97.

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FORESTRY AND WILDLIFE ACT

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CHAPTER 60:02

FORESTRY AND WILDLIFE ACT

AN ACT to provide for the protection, conservation and manage- 12 of 1976. ment of wild mammals, freshwater fishes, amphibians, crustaceans and reptiles, and for purposes connected therewith.

[1st July 1976]

Commencement.

PART I

PRELIMINARY

1. This Act may be cited as the –

Short title.

FORESTRY AND WILDLIFE ACT.

2. In this Act –

Interpretation. [12 of 1990].

- "alien wildlife" means any species of wildlife not indigenous to Dominica:
- "closed season" means the period in which a specified species or a group of species of wildlife may not be hunted for, fished for or taken;
- "conservation officer" means a person whose primary responsibility is the enforcement of this Act and the rules and regulations as provided herein;
- "deleterious substance" means any substance if added to water would endanger the subsistence and maintenance of fish and other aquatic life residing in the water,
- "Director" means the Director of the Forestry and Wildlife Division of the Ministry of Agriculture, Lands and Fisheries;
- "fishing" means fishing for or catching fish by any method;
- "fishing licence" means a licence issued under section 48 of this Act;
- "forest officer" has the meaning assigned to it by the Forests Act;

"Form", identified by a number, means the Form of that number as set out in the Seventh Schedule:

Ch. 60:01.

Seventh Schedule.

"game mammal" means those animals specified in the First Schedule;

First Schedule.

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Second "game bird" means those birds specified in the Second Schedule; Schedule. "hunting licence" means a licence issued under section 48; "hunt" includes seeking, stalking, shooting at, pursuing, killing or capturing or attempting to kill or capture any bird or mammal or molesting or taking any bird nest or eggs; "Minister" means the Minister responsible for forests and wildlife; Ch. 46:50. "motor vehicle" has the meaning assigned it in the Motor Vehicle and Road Traffic Act: "national park" means any area of land or water declared to be national Ch. 42:02. park by or under the National Park and Prohibited Areas Act; "open season" means that period in which a specified species or group of species of wildlife may be hunted for, fished for or taken; "owner" in relation to private land includes a lessee, mortgagee in possession, title holder, or any person authorised by lessee, mortgagee or title holder to act on his behalf in his absence; Fourth Schedule. "protected mammal" means a mammal specified in the Fourth Schedule: Fifth Schedule. "protected bird" means a bird specified in the Fifth Schedule; "protected shrimps or crabs" means shrimps or crabs specified in the Sixth Schedule. Sixth Schedule: "specially protected birds" means the Sisserou Parrot (Amazona Imperialis) and the Jaco Parrot (Amazona Arausiaca); "take" means pursuing, shooting, hunting, killing, capturing, snaring, trapping, netting or placing or using any net, traps or device for procuring wildlife; "regulations" means any rules, regulations or by-laws made under this Act; "the Division" means the Forestry and Wildlife Division established under section 4: "wildlife" means animals of the following groups living beyond the control of man: mammals (including feral pigs); birds and the eggs thereof;

frogs and the eggs thereof; reptiles and fishes, their fry and eggs, and crustaceans found in fresh water streams or impoundments;

"wildlife reserve" means any area declared to be such under section 22.

PART II

PROPERTY OF THE COUNTRY

3. Wildlife, both resident and migratory, native or introduced Wildlife property found in Dominica, except fish, frogs or crustaceans impounded in private ponds, are the property of the State and may be taken only at such times, in such places and in such a manner as provided herein.

PART III

ADMINISTRATION

4. There is established in the Ministry of Agriculture, Lands and Forestry and Fisheries a Division of Forestry and Wildlife, which shall consist of a Director of Forestry and Wildife, Forest Officers, Conservation Of- Director of ficers, Wildlife and Fisheries Officers, and such other employees as are considered necessary for carrying out the provisions of this Act.

Wildlife Division. Forestry & Wildlife.

5. The Director and other employees of the Division, except casual Appointment labourers, shall be appointed by the Public Service Commission.

Remuneration.

6. The duties of the Director and other officers and employees of Powers and the Division shall be to promote forest and wildlife conservation and management in Dominica, under the general supervision of the Perma- officers. nent Secretary and under the authority of the Minister.

duties of Director

7. For those purposes they shall –

Functions of Director and

- (a) enforce the laws and regulations relating to forestry and other officers. wildlife, and inform the public as to the provisions of such laws and regulations;
- (b) recommend to the Minister annually desirable modification in the Schedules to this Act to permit rational utilisation of the wildlife resources:
- (c) issue licences for hunting and fishing, only at the office of the Director, as hereinafter provided, and collect and account for all funds derived therefrom:

- (d) issue permits for keeping wildlife in captivity, and specifying conditions under which the wildlife shall be kept, and disposed of;
- (e) advise the Minister on the disposition of applications for the collecting of wildlife.

Conservation Officer may enter agreements.

8. For these purposes they may –

- (a) enter into contract or agreements with individuals, agencies or companies for construction of trails, roads, boundary markers, buildings, forest nurseries, fish hatcheries, and other works; for carrying out studies or surveys for the control or disposition of wildlife products or trophies, for the preparation and printing of reports and informational material or for the accomplishment of other activities for the purpose of carrying out the provisions of this Act;
- (b) conduct scientific surveys and studies on wildlife and forestry problems;
- (c) establish, administer and develop zoological gardens, aquariums, laboratories of natural science, and any necessary related services;
- (d) sell forest products and enter into commercial activities for the purpose of developing forest oriented enterprises;
- (e) lease tracts of land and let concessions for services to provide facilities for tourists and visitors to forest reserves, wildlife reserves and natural areas;
- (f) engage in other activities deemed necessary or advisable in carrying out the purposes of this Act.

Responsibility of Director and power to delegate.

9. The Director shall have supervision of the other officers and shall be responsible for all activities of the Division, including the enforcement of this Act. He may delegate any responsibility or authority he may have to other officers of the Division.

Conservation Officers.

10. The Director, such other employees of the Division as considered appropriate by the Director, and the Dominica Police Force shall have the rights and privileges of conservation officers for the enforcement of the provisions of this Act.

PART IV

ARREST, SEARCH, SEIZURE AND CONFISCATION

11. For the purpose of carrying out the provisions of this Act, every Conservation conservation officer shall have such authority, privileges, protection constables. and advantages that any constable duly appointed now has or is subject or liable to, or may hereafter have or be subject or liable to either by the common law or by virtue of any law which now is or which may hereafter be in force in the country.

12. Every conservation officer may stop and detain any person Rights of officers whom he sees doing any act for which a licence or permit is required under this Act, and such person upon request shall produce the licence or permit, and if such person fails to produce the licence or permit, or to furnish his name and address or otherwise to satisfy the officer that he will answer any summons or proceedings which may be taken or instituted against him, the person may be arrested by the officer without a warrant, and the officer shall cause every person so arrested to appear before a justice of the peace or a Magistrate within twenty-four hours after the arrest.

13. Every conservation officer may arrest without a warrant any Arrest without a person whom he finds infringing this Act or the regulations, and he shall cause every person whom he has arrested to appear before a justice of the peace or a Magistrate within twenty-four hours after the arrest.

14. A conservation officer, with reasonable grounds for believing Rights of officers an offence against this Act has been committed, may without a warrant enter and search any vehicle, aircraft, boat or building, other than a private dwelling house, and open or cause to be opened any receptacle, game bag or creel.

15. Every conservation officer may inspect all wildlife taken or Seizure of transported, and seize without a warrant any wildlife which he has equipment. reasonable grounds to believe was taken in contravention of this Act, and may seize any vehicle, boat, aircraft, firearm, fishing rod or other equipment where he has reasonable grounds to believe that it is being used or has been used to infringe this Act or the regulations.

16. Any item seized under section 15 shall remain in the custody of the officer until a competent court has declared such items confiscated or has ordered that such items he handed over to the owner.

Disposition of seized property. Confiscation of property by Court upon conviction. 17. The Court may confiscate any wildlife taken in contravention of this Act or any item used in the commission of an infringement of this Act, upon conviction of an offender so charged.

Right of owner to vindicate property.

18. The owner of an item seized, other than the offender, may vindicate such an item during a suit for confiscation of the item by presenting to the Court a motion alleging under oath the nature of his right to the item; however the Court may order final disposition of the item.

Offence against conservation officer.

19. The commission of an offence against a conservation officer shall in effect be the commission of an offence against the Police Service.

Right of conservation officer to prosecute. **20.** Any conservation officer may conduct any prosecution for an offence against this Act or the regulations.

PART V

WILDLIFE MANAGEMENT

A. PROTECTION

Condition for taking wildlife.

21. Wildlife may be taken only under conditions and in accordance with regulations prescribed in this Act, and regulations pertaining to this Act promulgated by the Minister and published in the *Gazette*.

Rights of the Minister to declare wildlife reserve. 22. Upon the recommendation of the Director and the Permanent Secretary, the Minister may declare any area, any stream, impoundment or portion thereof to be a wildlife reserve in which hunting, fishing or taking of one or more species shall be prohibited. The declaration shall be published in the *Gazette*.

Offence to hunt in wildlife reserve. 23. Any person who in a wildlife reserve hunts, fishes, or takes any mammal, bird, fish, shrimp or crab specified as protected is guilty of an offence.

Offence to hunt in national park or monument. 24. Hunting is prohibited within the boundaries of any national park or national monument.

25. No alien wildlife shall be imported into or introduced, possessed, transported, or released into the country, except by the Division of Forestry and Wildlife, or under a permit issued to an individual by the wildlife, and Minister upon the recommendation of the Director and the Permanent Secretary. Any person who contravenes any portion of this section is liable on summary conviction to a fine of seven hundred and fifty dollars or to imprisonment for six months.

import, possess or release alien penalties therefor.

26. It is prohibited to disturb or destroy the nest or eggs of any wild bird or the lair of any wild mammal except as may occur in normal agricultural practices.

Offence to disturb or destroy bird nests.

27. No person shall deposit or permit the deposit of a deleterious Offence to substance of any type in water frequented by fish, shrimps or crabs or in any place where the deleterious substance may enter the water.

deposit deleterious substance in water.

28. No person shall construct or excavate or maintain any pit for the Offence to use pit purpose of catching or killing wildlife.

to catch wildlife.

29. No person engaged in logging, lumbering, land clearing or other Offence to operations shall put or permit to be put any slush, stumps or other debris into any water frequented by fish, shrimps, or crabs or into any stream that flows into such water.

deposit slush in

30. No person shall capture or keep in captivity any live game Keeping wildlife mammals, game birds, protected mammals, specially protected birds or protected birds except under a permit issued by the Director. The permit shall specify the method or methods of capture, the location where the wildlife shall be kept, and the conditions under which the wildlife shall be kept and housed. The permit shall be in Form 3.

in captivity. [12 of 1990].

Form 3.

31. The ownership of the wildlife held in accordance with the Ownership of provisions of section 30 shall remain with the State and may be disposed of only as permitted and authorised by the Director or by a court of law.

captive wildlife.

32. No person shall export any live or dead wildlife or parts thereof Exporting of live except under a permit and in accordance with conditions specified in such a permit issued by the Director. The permit shall be in Form 5.

Form 5.

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B. HUNTING AND FISHING

Requirements for hunting and fishing licence. 33. No person of the age of fourteen years or older shall hunt or fish unless he holds a licence for such purpose.

Children may fish without a licence. 34. Persons under the age of fourteen years may fish without a licence.

Children may hunt without a licence when accompanied by an adult. 35. Persons from ten years through thirteen years may hunt without a licence when accompanied by a valid licence holder of twenty-one years of age or older.

Prohibition against using licence of another. **36.** No person shall use the licence of another nor shall a licencee permit a licence issued to him to be used by another.

Prohibition against hunting birds at night. 37. Hunting of birds is prohibited between one half-hour after sunset and one half-hour before sunrise.

Hunting during closed season or in closed area. [35 of 1982].

- 38. (1) No person may hunt for or fish for any wildlife during that period for which the season is closed for that particular species of wildlife, nor shall a person hunt for or fish for any wildlife in an area for which hunting or fishing for that particular species of wildlife is prohibited.
- (2) Notwithstanding the provisions of subsection (1) of this section and of section 33 and subject to the provisions of section 35, any person may, where it is necessary for the protection of agricultural crops, hunt and destroy feral pigs during the closed season and in any area.

Prohibited device.

39. It is prohibited to use any device for taking wildlife which causes a firearm to be discharged without a person pressing upon the trigger.

Prohibited firearm.

40. No firearm shall be used for hunting which is capable of firing more than once as a result of one pressure upon the trigger.

Shooting from vehicle prohibited.

41. Shooting from a motor vehicle is prohibited.

42. It is prohibited to use any poison, explosives or deleterious Use of explosubstance for hunting or fishing purposes.

43. No person shall have a loaded firearm in his possession while under the influence of alcohol or a drug.

Loaded firearm while under influence.

sives, etc.

44. No person shall discharge a firearm within forty yards of a public highway, or towards or across a public highway, or towards an occupied dwelling, or in a manner that endangers human life or property.

Careless use of

45. The Ministermay, by Notice in the Gazette, prohibit the hunting Regulations or fishing of any wildlife, or may by such notice prescribe methods of taking, and impose such conditions, or set such open or closed seasons or areas, as he may think fit.

46. The Minister may at any time, by Notice in the Gazette, remove Right of Minister or add the name of any wildlife to any Schedule.

to alter Schedule.

47. The Minister may, by Notice in the Gazette, prescribe methods and devices which may be used for the taking of fish, frogs, shrimps and crabs, and may prescribe procedures for their possession, retention, wildlife. disposition and sale. The Minister may, by Notice in the Gazette, change, alter, eliminate or add to the forms in the Seventh Schedule.

prescribe methods of taking

PART VI

LICENCES AND PERMITS

48. Licences for hunting and for fishing in freshwater streams or lakes shall be issued at the office of the Director and shall be in Form Wildlife 1 and Form 2 respectively.

Licence issued by Forestry and Division. Forms 1 and 2.

49. No person may hunt birds or mammals without a hunting Licence required. licence and no person of the age of fourteen years or older may fish in fresh water streams or lakes without a fishing licence.

50. A licence shall be valid only for the calendar year for which it is issued, and all shall expire on 31st December following the date of issuance.

Validity licence calendar year.

Licence valid only to person issued. 51. Every licence shall be valid only for the person to whom it is issued; it shall not be transferable, shall not be used by anyone except that person to whom it was issued, and no refunds can be made after the purchase thereof.

Licence to be carried on person.

52. Every holder of a licence or a permit shall carry the licence or permit upon his person when engaged in any activities authorised by the licence or permit, and exhibit the licence or permit to any conservation officer who requests him to do so, and inform such officer of his name and address.

Fees for licence.

53. The fees for licences and permits shall be prescribed by the Minister and shall be published in the *Gazette*.

Scientific collecting licence.

54. Upon recommendations of the Director or in consultation with the Director, the Minister may issue permits to collect wildlife to officers or employees of recognised scientific, cultural or educational organisations. The permits shall specify the wildlife permitted to be collected, the period of validity of the permit, the methods which may be used to collect the wildlife, the disposition of the wildlife, the person or persons authorised to make the collections, and any other conditions considered to be appropriate by the Minister. The permit shall be in Form 4.

Form 4.

55. Any permit issued under section 54 may be cancelled at any time by the Minister.

Cancellation of scientific collecting permit.

Duplicate licences and permits.

56. Where any licence or permit has been lost, stolen or destroyed, the holder of the licence or permit may apply for a duplicate, which may be issued. The fee for the duplicates shall be set by the Minister and shall be published in the *Gazette*.

Rights to enter upon private lands. 57. Any licences or permits issued under this Act shall not confer upon the licencee or permitee the right to enter upon the lands or waters of another for the purpose of taking wildlife.

PART VII

DAMAGE TO PRIVATE PROPERTY BY WILDLIFE

- 58. Where any game mammal, game bird, protected mammal or Action by protected bird is alleged to be causing damage to private property or alleviate damage crops on any land, the owner or occupier of the land may report the same to property. to any officer of the Division. The Division shall expeditiously take such action as may be considered necessary, including the granting of authorisation to kill any such wildlife.
- 59. Wildlife killed under section 58 shall remain the property of the Disposal of State and shall be disposed of only as authorised by the Director.

wildlife taken as control measure.

PART VIII

VIOLATIONS AND PENALTIES

60. It is unlawful for a person to contravene any provision of this Violation of Act. Act or of any regulation of the Minister as a Schedule to this Act.

61. Unless a different or other penalty or punishment is specifically Penalties. prescribed, a person who contravenes any provision of this Act or of any regulation is liable to a fine of four hundred dollars and to imprisonment for three months.

62. Notwithstanding any other law to the contrary no person shall Prohibition of at any time –

acts against specially

- (a) hunt or be a member of a party hunting a specially protected protected birds. bird:
- (b) export or carry coastwise without a licence a specially protected bird;
- (c) disturb or destroy the nest or nesting place of a specially protected bird;
- (d) purchase, receive or otherwise acquire a specially protected bird from any person other than the holder of a permit issued under section 30.
- 63. Any person who contravenes section 62 is liable on summary conviction to a fine of five thousand dollars and to imprisonment for three years.

Penalty for contravening section 62.

Persons found offending.

64. Where any person is found contravening section 62 it shall be lawful for any other person to require the offender to give his name and place of abode and in case the offender does not comply, or gives a name or place of abode that is false, the offender shall, in addition to any other penalty for which he may be liable under this Act, be liable to a fine of one hundred dollars and to imprisonment for one month.

Section 2. (35 of 1982).

FIRST SCHEDULE

Game Mammals which may be taken during a declared open season:

1. Agouti

(Dasyprocta antillensis)

2. Opossum (Manicou)

(Didelphys marsupialis)

Section 2.

SECOND SCHEDULE

Game Birds which may be taken during a declared open season:

1.	Green Heron	(Rutorides virescens)

2. Ducks and Geese All members of the family of

Anatidae.

3. Coots All members of the genus Fulica.

4. Doves and Pigeons All members of the family

Columbidae.

5. Mangrove Coo-cuckoo (Coccyzus minor)

6. Tropical mockingbird (Mimus gilvus)

7. Scaley-breasted Thrasher (Margarops fuscus)

8. Pearly-eyed Thrasher (Margarops fuscatus)

9. Trembler (Cinclocerthia ruficauda)

10. Red-legged Thrush (Mimocichla plumbea)

11. Lesser Antillean Bullfinch (Loxigilla noctis)

12. Streaked saltator (Saltator albicollis)

THIRD SCHEDULE

Section 46.

Frogs, Shrimps and Crabs which may be taken during a declared open season:

1. Frogs - Crapaud

(Leptodactylus fallax)

2. Shrimps

(All members of the families Atyidae and Palaemonidae).

3. Crabs

(All members of the families:

Portunidae,

Psedothelphusidae, Gecarcinidae and Ocypodidae)

FOURTH SCHEDULE

Section 2.

Protected Mammals.

All bats.

FIFTH SCHEDULE

Section 2.

Protected Birds.

All birds other than Game Birds listed in the Second Schedule, or grackles of the genus *Quiscalus*.

SIXTH SCHEDULE

Sections 2.

Protected Shrimps and Crabs.

Any Shrimp or Crab externally carrying eggs or young.

Section 30, 32.

SEVENTH SCHEDULE

FORM 1

COMMONWEALTH OF DOMINICA

MINISTRY OF AGRICULTURE, LANDS AND FISHERIES

FORESTRY AND WILDLIFE ACT. CH. 60:02

(Section 48)

Hunting Licence for calendar year 19	No*	
Issued to:		
(Print full name)		
Postal Address:		
Residence:		
Physical Description: Ageyears; Height	ftin. Weightlbs.	
	Signature of Licencee	
Original to licencee	20g c 0g	
1st copy to Forestry and Wildlife Division		
2nd copy to Ministry (Audit copy)		
	-	
FORM 2		
COMMONWEALTH OF DO	MINICA	
MINISTRY OF AGRICULTURE, LANDS AN	D FISHERIES	
FORESTRY AND WILDLIFE AC	T. CH. 60:02	
(Section 48)		
Fishing Licence for calendar year 19	No*	
Issued to:		
(Print Full Name)		
Postal Address:		
Residence:		
*To be numbered consecutively and issued in triplica	te.	

Issuing Officer	Signature of Licences
Original to licencee	g
1st copy to Forestry and Wildlife Div	rision
2nd copy to Ministry (Audit copy)	
	RM3
	TH OF DOMINICA
MINISTRY OF AGRICULTURE, L	ANDS AND FISHERIES.
FORESTRY AND WI	LDLIFE ACT. CH. 60:02
(Sect	ion 30)
Permit To Keep Live Wildlife in Cap	tivity.
Date	No
(Valid for one year from date of issue	e)
Name;	
whose address is	
is hereby permitted to keep in captivi	•
Species	Number
	
The above wildlife shall be housed a	t

r orestry and wnange

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Wildlife held under this permit remains the property of the Government of Dominica, and does not grant to the permittee the right to sell, trade, barter, release into the wild or dispose of in any manner any wildlife held under the authority of this permit.

Signature of Permittee Director of Forestry and Wildlife

FORM 4 COMMONWEALTH OF DOMINICA

MINISTRY OF AGRICULTURE, LANDS AND FISHERIES

FORESTRY AND WILDLIFE ACT. CH. 60:02

(Section 57)

Name:		
Address:		_
is hereby given permission	n to collect the following wildlife:	

Permit for Scientific Collecting of Wildlife.

he methods used to collect the wildlife shall be by	
he permittee shall be assisted by	
Name of assistant, if any	
Vildlife collected shall be disposed of by	

		Forestry and Wildlife	Chap. 60:02		23
Th	is permit valid from	to			
bo	th dates inclusive.				
Mi	nister of Agriculture	e, Lands and Fisheries			
		EIGHTH SCHEDULE		Section 47.	
1.	any bird or mamm	g, trapping, pursuing or attempting al is prohibited at all times excep on is specifically provided for.			
2	A coust (D commune	a anstill an aid many has broaded and tal	-an fram the first day		

- 2. Agouti (Dasyprocts antillensis) may be hunted and taken from the first day of September through the last day of February.
- 3. Manicou (Didelphys marsupialis) may be hunted and taken from the first day of September through the last day of February.
- 4. Birds of the following groups and species may be hunted and taken from the first day of September through the last day of February:

Α.	Green Heron	(Buterides virescens)
B.	Ducks and Geese	All members of the family
		Anatidae.
C.	Coots	All members of the genus
		Fulica.
D.	Doves and Pigeons	All members of the family
		Columbidae.
E.	Mangrove Coo-cuckoo	(Coccyzus minor)
F.	Tropical mockingbird	(Mimus gilvus)
G.	Scaley-breasted Thrasher	(Margarops fuscus)
H.	Pearly-eyed Thrasher	(Margarops fuscatus)
I.	Trembler	(Cinclocerthia ruficauda)
J.	Red-legged Thrush	(Mimocichla plumbea)
K.	Lesser Antillean Bullfinch	(Loxigilla noctis)
L.	Streaked Saltator	(Saltator albicellis)

Section 21

NINTH SCHEDULE

Regulations for the taking of turtles.

- 1. In regulation 2 the word "turtle" shall be deemed not to include the tortoise or land turtle *Geochelone carbonaria*.
- 2. No person shall -
 - (a) catch or take or attempt to catch or take any turtle between the 1st June and the 30th September, both dates inclusive.
 - (b) catch or take or attempt to catch or take any turtle which is under twenty pounds in weight.
 - (c) disturb any turtle nest or eggs or take any turtle eggs, or take or attempt to take any turtle laying eggs or on the shore engaged in nesting activities.

A M S OF DOMINICA

CHAPTERS 60:03 - 60:99 (RESERVED)

