I assent,

MARCELLA ALTHEA LIBURD

Governor-General.

7th November 2025.

LS

SAINT CHRISTOPHER AND NEVIS

No. 26 of 2025

AN ACT to provide for the administration and allocation of administrative responsibilities for environment management, conservation and sustainable use and development of biological diversity, natural resources and the natural and cultural heritage of Saint Christopher and Nevis; the designation and management of terrestrial protected areas; pollution prevention and control; the incorporation of international obligations with respect to environmental matters into national law and for related or incidental matter.

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BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis, and by the authority of the same, as follows:

PART I
PRELIMINARY

1. Short Title and Commencement.

(1) This Act may be cited as the National Conservation and Environmental Management Act, 2025.

(2) This Act shall come into force on the day appointed by the Minister, by Order published in the Gazette.

2. Interpretation.

(1) In this Act, unless the context otherwise requires:

"access to genetic resources" means *in situ* and *ex situ* acquisition of the genetic resources originating in Saint Christopher and Nevis and its related use and technologies either by direct or indirect means for research or commercial use;

"activity" means an event that has or may have an adverse effect on human health or the environment and includes a process, project, construction, operation, dismantling, abandonment of physical works or any other event in the natural surroundings or landscape including those involving the extraction of natural resources;

"antiquities" include

(a) any ancient monument which has existed or may reasonably be believed to have existed for at least 50 years;

(b) any statues, engravings, carvings, inscriptions, paintings, writings, metallurgic art, coins, gems, seals, jewels, arms, tools, ornaments and all other objects of art which may reasonably be believed to have existed for at least 50 years;

(c) any abandoned wreck and all objects of archaeological association which have remained unclaimed for fifty years in the territorial waters of Saint Christopher and Nevis;

"area of special concern" means a place or site needing special protection and controlled use in order to stabilise or restore important ecological features or functions;

"authorized officer" means any environmental officer, conservation officer, ranger or any other person designated as an authorized officer by the Minister;

"beach" means the natural coastal area where the land meets the sea, composed of sand, pebbles, or rock, extending landward from the mean high-water mark of the sea to the area where there is a marked change in material from the natural coastal vegetation; or where there is no marked change in material from the natural coastal vegetation, that area including the primary sand dune, tidal zones, and areas shaped by wave action that extends to a distance of at least twenty metres landward from the mean high-water mark;

"beach access" means the use of a designated public pathway to a beach area that allows for the ingress and egress of foot traffic but that is wide enough to facilitate the quick and unobstructed access of an emergency vehicle;

"biological diversity" means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part and includes diversity within species, between species and of ecosystems;

"body corporate" includes a firm, business, company, enterprise, trust, unincorporated association, joint venture or partnership;

"buffer zone" means an intermediate area which performs the function of mitigating the direct impacts of an activity on a protected area or the impact of an activity on the surrounding environment or ensure an integrated landscape approach;

"coastal zone" includes any area of land having an elevation of less than 15 metres above mean sea level within a limit of one kilometre landward of the mean high-water mark and the foreshore;

"Co-management" means a partnership approach where government and resource users share the responsibility and authority for the management of an area, based on collaboration between themselves and with other stakeholders;

“conservation” means the protection, care, management and maintenance of ecosystems, habitats, wildlife species and populations, within or outside of their natural environments, in order to safeguard the natural conditions for their long-term permanence;

“Council” means the National Environmental Council appointed under section 5(1);

“Crown lands” means all lands vested in the Government of Saint Christopher and Nevis whether by way of forfeiture, escheat, purchase or exchange and all unclaimed land;

“cultural heritage" includes:

(a) monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding national or universal value from the point of view of history, art or science;

(b) groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding national or universal value from the point of view of history, art or science;

(c) sites: works of man or the combined works of nature and of man, and areas including archaeological sites which are of outstanding national or universal value from the historical, aesthetic, ethnological or anthropological points of view;

“Department” means the Department of Environment provided for under section 14;

“Director” means the public officer appointed under section 14 with responsibility for carrying out the functions of the Department;

"domesticated or cultivated species" means species in which the evolutionary process has been influenced by humans to meet their needs and includes species that have been genetically modified or bioengineered;

“ecosystem” means a dynamic complex of plant, animal and micro-organism communities interacting as a functional unit within their physical including natural and non-natural environment;

“endangered species" means species or subspecies of fauna and flora, or their populations, that are in danger of extinction throughout all or part of their range and whose survival is unlikely if the factors jeopardizing them continue to operate;

"endemic species" are species or subspecies of fauna and flora, or their populations, whose distribution is restricted to Saint Christopher and Nevis;

“environment” means the external or extrinsic conditions affecting the growth and development of human beings and other life forms, including the land, water and air, all organic and inorganic matter and living organisms and biological natural resources, natural heritage and the works of man;

“environmental” means relating to, arising from, or having an effect on the environment, including the protection, conservation, restoration, and sustainable management of natural systems, resources, and processes, and the prevention or mitigation of pollution, degradation, or other adverse impacts on ecological and human well-being;

“environmental impact assessment” means a process of evaluating the likely environmental impacts of, and proposing appropriate mitigation measures for, a proposed project or development, taking into account inter-related socio-economic, cultural and human health impacts, both beneficial and adverse;

“fauna” means a species included in the animal kingdom whether native or naturalised but does not include man;

“flora” means all plant life, especially the naturally occurring or indigenous plant life;

“foreshore” means that portion of the coastal zone which lies between the low water mark of the sea and landward to the vegetation line found thereon or in the absence of vegetation, the high water mark;

“former Act” means the National Conservation and Environment Protection Act, 1987 as amended;

“forest” means land spanning more than 0.5 hectares with trees higher than 5 meters and a canopy cover of more than 10 percent, or trees able to reach these thresholds in situ and it does not include land that is predominantly under agricultural or urban land use;

"forest produce" includes -

(a) timber, firewood, charcoal, heart-of-palm, bark and extracts of bark;

(b) latex, gums, resins, flowers, fruit, seeds, nuts, leaves, fibres, turpentine, spices, tan-stuffs, dyestuffs, moulds, fungi, drugs, fodder and thatching material derived from wild-growing trees or plants;

(c) wild-growing trees and plants both living and non-living and all parts and produce of such trees and plants, bamboo and other grasses; and

(d) water from run-off and springs;

“ghaut” means a cleft in a hill or ravine through which a rivulet, intermittent river or ephemeral river runs down to the sea;

“habitat" means the place or type of site where an organism or population naturally occurs;

“hazardous substance” means a substance which by reason of its chemical or physical properties, and based on technical, scientific and medical evidence, is determined to cause, or likely to cause harm to human health or the environment;

“heritage site” means an area managed mainly for the conservation of specific natural or cultural features and includes an area of Crown land or private land or water or both land and water containing one or more specific natural or cultural heritage or both features which are of outstanding or unique value because of its inherent rarity, representative or aesthetic or cultural significance;

"hunt" means to kill, wound, pursue, capture, take, trap, injure, shoot at, wilfully disturb or molest an animal, and any attempt to do, or the giving of assistance in doing any of these things;

"internal waters" includes the rivers, ponds and other land covered by static or flowing, fresh, brackish or salt water on Saint Christopher and Nevis and the sea between the mean low water mark and the baseline from which the territorial sea is measured in accordance with the 1982 Convention on Law of the Sea;

"invasive alien species" means species that are introduced, accidentally or intentionally, outside of their natural geographic range and that become problematic;

"MAB" means the Man and the Biosphere Programme launched by UNESCO in 1971 to establish a scientific basis for improving the relationship between people and their environments;

"Minister" means the Minister charged with responsibility for the environment;

"natural heritage" includes

(a) natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;

(b) geological and physiological formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;

(c) natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty;

"multilateral environmental agreement" means an agreement between three or more States governing the management of aspects of natural resources or the environment;

"national park" means a protected area managed mainly for ecosystem protection and recreation and includes an area of Crown or private land or water or both land and water designated to:

(a) protect the ecological integrity of one or more ecosystems for present and future generations;

(b) exclude exploitation or occupation inimical to the purposes of designation of the area; and

(c) provide a foundation for spiritual, scientific, educational and recreational opportunities, all of which must be environmentally and culturally compatible;

"NEMS" means the National Environmental Management Strategy prepared under section 18;

“NEIS” means the National Environment Information System created under section 19;

“non-timber forest produce” means all goods derived from forests of both plant and animal origin other than timber and firewood;

“open season” means a period during which the capturing, hunting, wounding, killing or destroying of a partially protected species of fauna is permitted;

“owner” in relation to land, means a person who is, for the time being,

(a) the estate owner in respect of the freehold interest in the land; or

(b) entitled to a tenancy of the land granted for a term of years certain of which not less than ten years remain unexpired;

“PAS Plan” means the Protected Areas System Plan prepared under section 23;

“pollutant” includes any industrial, municipal or agricultural waste and the deposit or discharge, whether intentionally or otherwise, of other such substances which causes pollution of the environment, including but not limited to greenhouse gases, dredged soil, solid or liquid waste, incinerator residue, sewage, garbage, sewage sludge, chemical waste, hazardous waste, biological material, radioactive minerals, heat, wrecked or discarded equipment, oil and oil residue, rock, sand and other such substances which causes pollution of the environment;

“pollution” includes the release or deposit of any pollutant or waste onto land or into the air or water, including the sea, so as to cause any direct or indirect alteration of the physical, thermal, chemical, biological or radioactive properties of any part of the environment and which based on technical, scientific or medical evidence is likely to cause harm to human health whether physical or psychological or to affect the quality of the environment;

“premises” means a location within the environment, and a facility, development, vehicle, vessel, including marine vessel or natural or man-made structure at such location from or on which pollutants may be released into the environment or where wastes or hazardous substances may be handled;

"protected area" means a clearly defined geographical space of land or sea, which is recognized, dedicated and managed, through legal and other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values designated pursuant to section 27 to achieve specific conservation objectives;

“PAU” means the Protected Areas Unit established under section 37;

“sand mining” means to dig, take away, or assist in digging and taking away any deposit of sand, stone, gravel or shingle by whatever means;

“soil” means a biologically active and porous medium that has developed in the uppermost layer of the Earth's crust and is a mixture of organic matter, minerals, gases, water, and organisms that support plant and soil life;

"soil conservation" means the practices employed for the protection and management of soil resources to prevent their degradation, which can occur due to erosion, nutrient depletion, and contamination;

"St. Mary's Biosphere Reserve" means the nationally protected area in St. Kitts designated by UNESCO under the Man and the Biosphere Programme, inscribed under the World Network of Biosphere Reserves;

"sustainable use" means the use of natural resources in a way and at a rate that does not lead to the long term decline of biological diversity or degradation of the natural heritage, thereby maintaining its potential to meet the needs of present and future generations;

"temporary protected area" means the designation of a protected area for the immediate protection of species of fauna and flora or a geographically defined area and includes an area of Crown or private land or water or both land and water designated in the national interest;

"territorial sea" means twelve nautical miles measured from the baseline delimited in accordance with the United Nations Convention on Law of the Sea Convention 1982;

"timber" means trees or wooded land considered as a source of wood;

"threatened species" means species or subspecies of fauna and flora, or their populations

(a) that are likely to become endangered within the foreseeable future throughout all or part of their range if the factors causing numerical decline or habitat degradation continue to operate; or

(b) that are rare because they are usually localized within restricted geographical areas or habitats or are thinly scattered over a more extensive range and which are potentially or actually subject to decline and possible endangerment or extinction;

"waste" includes hazardous or non-hazardous material discarded or intended to be discarded whether or not capable of further use and which constitutes rubbish, effluent, sewage, garbage, refuse, scrap, discarded articles, bottles, cans or any other waste products of any kind and includes any substances whether gaseous, liquid or solid that

(a) is foreign to or in excess of the natural constituents of the environment; or

(b) affects the natural, physical, chemical or biological quality of the environment;

"waters of Saint Christopher and Nevis" includes the internal waters and the territorial seas;

"watershed" means a geographical feature of the landscape based on water flows and topography;

"wetlands" means areas of herbaceous or mangrove swamp and land covered by water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres;

"zone of coastal dynamics" includes the area of land and the seabed extending above and below the mean low water mark that is actively subject to normal coastal processes, including but not limited to coastal erosion and accretion;

"zone of risk" includes the area of land above the mean high water mark that is at risk of damage or destruction by the storm surge associated with an event predicted to occur at least once in every twenty-five years.

3. Objects, purposes and guiding principles.

(1) The objects and purposes of this Act are to provide for

(a) the conservation and sustainable use of the natural and cultural heritage of Saint Christopher and Nevis, including the conservation of biological diversity, the protection of threatened and endangered species and their habitats, soil conservation and watershed management, the conservation of significant terrestrial and marine ecosystems, including wetlands, and the management of the coastal zone;

(b) the designation and management of National Parks and other protected areas, including the continuation in being of the existing Brimstone Hill Fortress National Park and the arrangements for its management;

(c) the prevention and mitigation of pollution of the environment, including the control of hazardous substances, the management of wastes and response to environmental accidents, for the purposes of protecting human health and maintaining the quality of the environment; the allocation and coordination of administrative responsibilities for environmental management within the Federation, including specific arrangements with respect to the administration of this Act in Saint Christopher and Nevis respectively;

(d) the implementation of obligations to which Saint Christopher and Nevis is subject under multilateral environmental agreements by facilitating their incorporation into national law;

(e) the regulation of access to genetic resources and the sharing of benefits;

(f) the provision of stable, adequate, secure and sustainable funding to finance the conservation and management of the environment in Saint Christopher and Nevis; and

(g) any other matter related or ancillary to the foregoing purposes.

(2) All functions, duties and responsibilities under this Act shall be exercised in a manner consistent with the following principles

(a) the principle of balanced decision-making - the decision making process should effectively integrate both long-term and short-term, economic, environmental, social and equitable considerations;

(b) the precautionary principle - if there are threats of serious or irreversible loss of biodiversity, or serious or irreversible harm to habitats or ecosystems, lack of full scientific certainty should not be used as a reason for postponing measures to prevent such loss or harm;

(c) the principle of inter-generational equity - the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;

(d) the principle of protection of the natural capital base - the conservation of biological diversity and the maintenance of ecological integrity should be a fundamental consideration in decision-making;

(e) the principle of local benefit - local people should be provided with training and education relevant to job placement opportunities in the national protected area system.

(3) All persons to whom functions, tasks or responsibilities have been assigned or imposed, shall act in a manner that is consistent with the national, international and regional obligations of Saint Christopher and Nevis in relation to the conservation and management of the environment on its land and its waters.

PART II
ADMINISTRATION

4. Powers and duties of the Minister.

(1) The duties of the Minister under this Act include

(a) to give general direction and policy guidance on matters that fall within the scope of this Act, as well as the coordination and the management on the national level and where appropriate regional and international level of

(i) the preservation and conservation of the environment of Saint Christopher and Nevis;

(ii) the monitoring, control and compliance within protected areas;

(iii) all other activities that fall under the scope of this Act;

(b) to protect and promote the interests of Saint Christopher and Nevis with respect to the negotiation and application of multilateral environmental agreements and ensure that Saint Christopher and Nevis meets its international obligations with respect to the environment;

(c) to establish and coordinate institutional linkages nationally, regionally and internationally;

(d) to approve the National Environmental Management Strategy and policy so as to promote the integration of all aspects of environmental management into national decision-making at all levels;

(e) to encourage and facilitate the participation of private persons, communities, civil society organisations, professional organisations and other key stakeholders in environmental management matters relating to Saint Christopher and Nevis;

(f) to have overall responsibility for parks, beaches and protected areas within Saint Christopher and Nevis;

(g) to have power to enter into agreements with persons and other agencies and entities relating to the management and administration of protected areas;

(h) to promote research, education and training in relation to the environment.

(2) The Minister, in exercising his or her powers and performing his or her duties under subsection (1) shall be guided by the recommendations, guidance and support of the Department of Environment.

(3) Subject to subsection (4), a reference in this Act to "the Minister" has effect, with respect to the administration of the Act within Nevis, as a reference to the member of the Nevis Island Administration to whom responsibility for the environment is assigned.

(4) The Minister shall coordinate with other Ministers of the Government and with the Nevis Island Administration to secure consistency, enforcement and continuity in the implementation of this Act and any other enactment related to the conservation and management of the environment, natural resources and sustainable development.

5. Establishment of the National Environmental Council.

(1) There is hereby established a Council called the National Environmental Council.

(2) The Council established under subsection (1) shall consist of the following 9 persons:

(a) the following public officers

(i) the Director of Environment in the Ministry of Environment;

(ii) a representative from the Department of Agriculture on Saint Christopher;

(iii) a representative from the Disaster Management Agency;

(iv) a representative of the Department of Physical Planning on Saint Christopher;

(v) a representative from the Ministry of Tourism on Saint Christopher;

(vi) a representative from the Physical Planning Department on Nevis;

(vii) a representative from the Department of Marine Resources;

(b) a representative from two non-governmental organizations that promote environmental conservation, one from Saint Christopher and one from Nevis;

(c) one person from civil society who has knowledge or experience with respect to matters relevant to the functions of the Council;

(3) All members of the Council may be paid an allowance for their services in an amount to be decided by the Minister.

(4) The Council may create Committees of a general or special nature consisting of not less than five of its members to carry out any of its functions which in the opinion of the Council would be better managed by means of Committees.

(5) The Council or a Committee of the Council may co-opt a person or persons to assist it in dealing with a matter if it is satisfied that the person's qualifications or experience may assist the Council in the performance of its functions.

(6) A person co-opted under subsection (5) is entitled to take part in deliberations of the Council regarding the matter for which he or she was co-opted but may not vote and must not take part in any other proceedings of the Council.

(7) A member shall not be personally subjected to any action, liability, claim or demand in respect of any matter, or thing done or omitted to be done by the Council if the matter or thing was done or omitted to be done in good faith.

6. Appointment to and removal from the Council.

(1) The Minister shall appoint members of the Council by instrument in writing, for a period not exceeding three years.

(2) Notwithstanding subsection (1), a member of the Council shall be eligible for re-appointment.

(3) The Department of Environment shall function as the Secretariat for the Council.

(4) The Minister, in making appointments of members to the Council, shall be satisfied that the persons appointed can provide sound advice, leadership and direction to the Council in fulfilling the purposes of this Act.

(5) The Minister shall appoint the chairperson and vice chairperson of the Council by instrument in writing for a period not exceeding three years.

7. Functions of the Council.

(1) The Council shall perform the functions and duties imposed on it by this Act and any other duty consistent with those functions as the Minister may direct.

(2) Without prejudice to the generality of subsection (1), the functions of the Council are to:

(a) act as an advisory and information sharing body to the Department of Environment;

(b) advise, assist and provide recommendations and offer guidance and support to the Department of Environment on programmes and operations as needed to ensure the fulfilment of the Department's functions;

(c) address appeals.

8. Resignation of council members.

(1) A member, other than the Chairman of the Council, may at any time resign his office by giving one month's notice in writing addressed to the Minister and transmitted through the Chairman.

(2) The Chairman of the Council may at any time resign his office by giving three months' notice, in writing, addressed to the Minister.

9. Vacancy in membership of Council

(1) A vacancy in the membership of the Council shall occur:

(a) on the absence of a member from three consecutive meetings of the Council, unless that absence is approved by the Chairman in writing;

(b) at the expiration of three years from the date of appointment of a member;

(c) on the death, resignation or revocation of appointment of a member;

(d) if a member becomes mentally incapacitated;

(e) if a member is nominated as a candidate for election as a representative in the National Assembly or Nevis Island Assembly or is appointed a Senator in the National Assembly or Nevis Island Assembly.

(2) Where the office of a member of the Council becomes vacant, the Minister may appoint a person to that office within ninety days of the date when the vacancy arose.

(3) The performance of the functions of members and the validity of proceedings of the Council shall not be affected by a vacancy in its membership or by a defect in the appointment of any of its members.

(4) The Minister may at any time remove a member from office:

(a) if the Minister is satisfied that the member is no longer suitable to serve as a member of the Council; or

(b) at the request of the Council; or

(c) if a member has been absent from fifty per cent or more of regular meetings of the Council of which the member has had notice, without leave of the Council and without being excused by the Chairperson.

10. Proceedings and Meetings.

(1) The Council shall meet at least once every quarter and shall govern its own procedures for the conduct of business at its meetings.

(2) A quorum for a meeting of the Council shall be half of the total membership of whom one shall be the Chairman or the Vice-Chairman when acting in the capacity of the Chairman.

(3) The Chairperson shall preside at meetings of the Council and in the absence of the Chairperson at a particular meeting, the Vice-Chairman shall preside over the Meeting.

(4) Each member of the Council shall have one vote and the Chairperson shall have a casting vote in the event of an equality of votes.

(5) A decision supported by a majority of the votes cast at a meeting of the Council at which a quorum is present is a decision of the Council.

(6) The Secretary to the Council shall inform all members in advance of meetings by way of a written notice.

(7) The Chairperson or any three members of the Council may call a special meeting of the Council.

(8) Where a special meeting is proposed, the Secretary to the Council shall give notice to the members stating the particulars of the meeting and no other business shall be transacted at that meeting other than the business of which notice was given.

(9) The Secretary shall submit a draft of the minutes of meetings of the Council within seven days of the date of the meeting.

11. Disclosure of interest.

A member of the Council who has an interest whether financial or otherwise in a matter being considered by the Council shall, as soon as possible after the relevant matter has come to his or her knowledge, disclose the nature of the interest, and recuse himself or herself from discussions on that matter.

(1) A disclosure made by a member under subsection (1) shall be recorded in the minutes of the meeting and the member making the disclosure shall not, unless the Council otherwise determines:

(a) be present during any deliberations by the Council on that matter; or

(b) take part in any decision of the Council relating to the matter.

12. Standing Committees of the Council.

(1) Without limiting the generality of section 5(4), the Council shall appoint committees of the Council as required.

(2) A committee of the Council shall meet as necessary to perform its functions and shall regulate its own proceedings.

13. Functions of the Committees.

The functions of a committee shall be defined in the terms of reference issued at the time when the committee is established.

14. Department of Environment.

(1) The Department of Environment established by section 3(1) of the former Act for the purposes of conservation and environment protection is preserved and continues in being for the purposes of this Act so that its identity and its rights and obligations are not affected by the repeal of that Act.

(2) The Department shall arrange and carry out the following functions:

(a) coordinate and facilitate the integration of the work of other governmental and non-governmental entities to achieve the objects and purposes of this Act;

(b) consult and collaborate with the Nevis Island Administration to further the objects and purposes of this Act; and

(c) execute the responsibilities arising from or in connection with the administration and implementation of this Act within Saint Christopher and Nevis;

(d) investigate and monitor the state of the environment and provide environmental data and information, including such periodic or other reports that the Government is required to produce under any multilateral environmental agreement to which Saint Christopher and Nevis is a party;

(e) compile, analyze and disseminate environmental data and information;

(f) undertake programmes and projects to implement the environmental and natural resources policy of the Government;

(g) promote the sustainable use of biological diversity, forests and conservation of soil and watersheds;

(h) manage and regulate the environmental effect of activities in collaboration with the Physical Planning Department and any other government agency as it sees fit;

(i) collaborate with the Protected Areas Unit to ensure the effective administration and management of any area that is designated as a protected area;

(j) advise on, review and assist in the formulation and development of policies, strategies, guidelines, standards, objectives and regulations for the protection and management of the environment;

(k) implement measures to prevent and control environmental pollution;

(l) plan and facilitate training courses for persons involved in environmental management and conduct public education campaigns to create a better understanding of the need for public cooperation in the maintenance of sound environmental quality;

(m) make reasonable and timely efforts to ensure that environmental laws and regulations comply with relevant international treaties and conventions;

(n) undertake enforcement procedures for breaches of environmental requirements and institute proceedings against persons for the contravention of this Act;

(o) undertake any other act or responsibility that is incidental or conducive to the performance of any of the foregoing functions.

(3) The Department shall be the ultimate authority in relation to environmental matters in Saint Christopher and Nevis.

(4) The Department shall be under the control and direction of the Director of Environment who is a public officer.

15. Administration of the Act in Nevis.

(1) The branch of the Department within Nevis with responsibility for environment shall be responsible for the administration of this Act in Nevis.

(2) The branch of the Department under subsection (1) shall carry out the following functions under this Act with respect to the island of Nevis:

(a) execute the responsibilities arising from or in connection with the administration and implementation of this Act within Nevis;

(b) investigate and monitor the state of the environment in Nevis and provide environmental data and information which may be included as part of any periodic or other reports that the Government is required to produce under any multilateral environmental agreement to which Saint Christopher and Nevis is a party;

(c) compile, analyze and disseminate environmental data and information for Nevis;

(d) undertake programmes and projects to implement the environmental and natural resources policy of the island of Nevis;

(e) coordinate and facilitate the integration of the work of other governmental and non-governmental entities to achieve the objects and purposes of this Act on the island of Nevis;

(f) consult and collaborate with the Nevis Island Administration to further the objects and purposes of this Act;

(g) promote the sustainable use of biological diversity on the island of Nevis;

(h) manage and regulate the environmental effect of activities in Nevis in collaboration with the Nevis Physical Planning Department and any other government agency as it sees fit;

(i) co-ordinate the management of protected areas on Nevis;

(j) promote the sustainable use of forests and conservation of soil and watersheds on the island of Nevis;

(k) implement measures to prevent and control environmental pollution on the island of Nevis;

(l) undertake enforcement procedures, for breaches on the island of Nevis, of environmental requirements and institute proceedings against persons for the contravention of this Act; and

(m) undertake any other act or responsibility on the island of Nevis that is incidental to the performance of any of the foregoing functions.

16. Authority and delegation of Director.

(1) The Director has the authority to sign all documentation required in the performance of the Director's functions under this Act on behalf of the Department.

(2) The Director may, by instrument in writing and subject to conditions, directions, reservations or restrictions as he or she thinks fit, delegate to any other public officer a power or duty conferred or imposed by this Act on the Director, other than this power of delegation.

17. Authorized Officers.

(1) The Minister may appoint authorized officers to implement and enforce this Act.

(2) The Minister, in addition to the authorized officers appointed under subsection (1), may designate the following persons to assist with the implementation and enforcement of this Act:

(a) personnel from other governmental organizations such as the Environmental Health Department and Department of Planning as ex officio conservation officers who may be co-opted by the Department from time to time as is necessary or expedient;

(b) consultants, experts and advisors from national, regional or international organizations; or

(c) individuals, voluntary organizations or community groups from the business and non-governmental sector.

PART III

ENVIRONMENTAL MANAGEMENT

18. National Environmental Management Strategy.

(1) The Director shall cause to be prepared a National Environmental Management Strategy (NEMS), for Saint Christopher and Nevis within years of the enactment of this legislation.

(2) A NEMS prepared pursuant to subsection (1) shall include:

(a) a description of the environment of Saint Christopher and Nevis;

(b) an analysis of environmental issues of national significance; and

(c) the environmental management strategies to be prescribed to address the issues set out in paragraph (b).

(3) In preparing a NEMS, the Director shall seek and consider the comments and suggestions from stakeholders including governmental entities, civil society, non-governmental organizations and members of the public.

(4) The Director shall submit the draft NEMS to the Council for review and the Council may recommend revision of the draft and submit the revisions to the Director.

(5) The Director shall, on completion of the review of the draft NEMS, submit it to the Minister who shall submit it to Cabinet for approval and return the draft NEMS to the Director after approval by Cabinet.

(6) After approval of the NEMS by Cabinet, the Minister shall by Order publish the NEMS in the Gazette.

(7) The Director shall review and revise the NEMS at least every five years and

(a) if the NEMS is modified then the provisions of subsections (4), (5) and (6) shall apply; or

(b) the published version shall remain in effect until such time as it is modified or replaced.

(8) Notwithstanding subsection (7), the Minister may instruct the Director to conduct a review of the NEMS at any time as he or she considers necessary.

19. National Environmental Information System.

(1) The Director shall establish and maintain a National Environmental Information System (NEIS) for Saint Christopher and Nevis.

(2) The information to be contained in the NEIS shall include the following:

(a) annual reports prepared under section 20;

(b) monitoring data acquired under this Act;

(c) permits and registration certificates issued under this Act;

(d) policies, plans, guidelines, strategies and reports made under this Act;

(e) registers of information made under this Act;

(f) multilateral environmental agreements, conventions, international treaties in the field of environment;

(g) notice of violations, administrative orders and other enforcement proceedings undertaken by the Director under this Act; and

(h) any other relevant information.

(3) The information in the NEIS may be kept in documentary form or in an electronic data and retrieval system or partly in documentary form and partly in an electronic data and retrieval system as the Director thinks fit.

(4) The Director may make any information contained in the NEIS available to a person on payment of a fee to be prescribed by the Minister.

(5) The fees collected under subsection (4) shall be paid into the National Environmental Fund established under section 122.

(6) A person having a direct and private interest in a document listed in subsection (2) may make an application in the form to be prescribed by the Minister that the information contained in the document is confidential business information or a trade secret and should be excluded from the NEIS.

(7) The Director may reject the claim under subsection (6) by notice in writing for the reason that:

(a) the person has not disclosed the basis for the claim;

(b) the basis for the claim which is disclosed is invalid; or

(c) the public interest in disclosing the information clearly outweighs any prejudice to the person having the direct and private interest.

(8) Where a claim for confidentiality is rejected by the Director under subsection (7), the applicant may appeal to the Council.

(9) A document made available in the NEIS shall not be subject to a claim of copyright except where a prior claim of copyright had been vested in that document.

20. Annual report.

(1) The Director shall prepare and submit to the Minister annually a report which shall include a description of the environmental management activities undertaken by the Department during the period under review;

(2) The Director may request information from another governmental entity for the purpose of preparing the report.

21. Information to the public.

The Director shall, where it is appropriate to do so, provide and disseminate information and guidance, in such form as is considered expedient, in connection with the implementation of this Act.

PART IV
ESTABLISHMENT AND MANAGEMENT OF PROTECTED AREAS

22. Objectives of protected areas.

Any protected area designated under this Act shall have one or more of the following broad purposes and objectives:

(a) to preserve biological diversity of wild flora and fauna species that may be endemic, threatened, or of special concern and the land and marine habitats upon which the survival of these species depends;

(b) to protect selected examples of representative or unique biological communities, both on land and in marine areas, and their physical environments;

(c) to sustain natural areas important for protection and maintenance of life-support systems such as air, water and basic ecological processes including water recharge and soil regeneration;

(d) to protect selected natural sites of scenic beauty or of special scientific, ecological historic or educational value, including sites that are already degraded and need protection for restoration or sites that may become degraded if not protected; or

(e) to promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of the protected areas;

(f) to assist in combating climate change by —

(i) ensuring that existing forests are maintained and protected from degradation and their ecosystem functions are safeguarded;

(ii) promoting the restoration and expansion of Saint Christopher and Nevis natural forest cover;

(iii) protecting marine ecosystems;

(iv) protecting freshwater ecosystems and important watersheds.

23. Preparation of Protected Areas System Plan.

(1) The Director shall cause to be prepared a Protected Areas Systems (PAS) Plan for the establishment of a system of protected areas which:

(a) is consistent with the NEMS; and

(b) takes into consideration the National Physical Development Plan prepared in accordance with the Development and Planning Control Act.

(2) Without limiting the generality of subsection (1), the PAS Plan shall include:

(a) a statement of national policy with respect to the establishment of national parks and other protected areas;

(b) an assessment of the status of biological diversity and the natural and cultural resources for protected areas in Saint Christopher and Nevis including:

(i) ecosystems, including forests, wetlands and marine areas;

(ii) fauna and flora, particularly endemic, endangered, threatened and rare species;

(iii) soil and water resources;

(iv) watersheds;

(c) proposals for a system of protected areas and buffer zones to ensure the protection, conservation, development and management of the natural and cultural heritage of Saint Christopher and Nevis; and

(d) maps and descriptive matter as may be necessary to illustrate the proposals made in it with a degree of detail as is appropriate.

(3) In preparing the PAS Plan the Director shall seek and consider comments from persons including persons having an interest in a matter for which proposals may be made in the PAS Plan.

(4) The Director shall submit the draft PAS Plan to the Council for review.

(5) The Council may amend the draft plan as it considers appropriate, after which the Council shall submit the draft PAS Plan to the Director.

(6) The Minister shall submit the draft PAS Plan to Cabinet for approval.

(7) The PAS Plan made under this section shall be published in the Gazette, by an Order by the Minister and shall come into force on the date of publication.

(8) The Director may at any time carry out a review of the approved PAS Plan and

(a) submit to the Council for review; or

(b) submit a report to the Minister on that review including proposals for its amendment.

(9) The designation, conservation, development, management and use of a protected area shall, as far as is reasonable, be consistent with the PAS Plan.

24. Notice of intention to establish protected area.

(1) The Director shall publish a notice of intention to designate the protected area on two separate occasions in a newspaper in general circulation in Saint Christopher and Nevis, on a relevant government website and in the Gazette before that area is designated as a protected area pursuant to section 27(1).

(2) A notice of intention published pursuant to subsection (1) shall be published at least three months before the related Designation Notice and shall:

(a) specify the location and limits of the area which the Minister proposes to designate as a protected area;

(b) invite any person who lawfully enjoys any right within the specified area, or who has any direct or indirect interest in the designation of the specified area, to submit their claim of right, or make objections or representations with respect to the proposal, to the Minister in writing.

(3) Before deciding whether the specified area should be designated as a protected area, with or without modifications, the Minister shall take into consideration any claims of right and objections.

25. Demarcation of boundaries.

(1) The Director shall, within two years of the designation of a protected area, have the protected area surveyed and make a map of the protected area available to the public for inspection.

(2) The Director shall have the entry points of each protected area marked and defined making them clearly visible at all times.

26. Temporary protected area.

(1) Notwithstanding section 24, where it appears to the Director expedient in the national interest to protect a species of fauna or flora or the habitat of a species of fauna or flora or a geographically defined area, the Director, after consultation with the Council, shall advise the Minister to designate an area to be a temporary protected area.

(2) An Order for the designation of a temporary protected area is valid for a period of 180 days from the date of its publication.

(3) An extension of the period under subsection (2) may be granted by the Minister and that extension is not to exceed a maximum of 180 days from the date the extension was granted.

27. Establishment of Protected Areas.

(1) Subject to section 24, the Minister may by Order, after approval of the PAS Plan and

(a) in order to conserve biodiversity and the natural and cultural heritage of Saint Christopher and Nevis; and

(b) to encourage ecologically sound and sustainable use, understanding and enjoyment of these areas,

designate any terrestrial or marine area or any combined terrestrial or marine area as a protected area.

(2) A protected area is to be managed in accordance with the management principles set out in the management plan created for such area.

(3) Without limiting the generality of subsection (1), protected areas shall be established in order to conserve, maintain and restore in particular:

(a) representative types of ecosystems of adequate size to ensure their long term viability and to maintain biological and genetic diversity;

(b) habitats and ecosystems critical to the survival of endemic, endangered or threatened, protected, partially protected or rare species of fauna and flora;

(c) the productivity of ecosystems and natural resources that provide economic or social benefits and on which the welfare of local inhabitants is dependent;

(d) areas of special scientific, educational, cultural, historic, archaeological, recreational, aesthetic or economic value; and

(e) representative types of ecosystems and individuals of fauna and flora which are part of the natural and cultural heritage of Saint Christopher and Nevis and scientific, educational, historic, archaeological, recreational, aesthetic or economic value.

28. Designation Order.

(1) Pursuant to section 27 a Designation Order shall include a legal description of the area to be protected giving particulars of the size and boundaries of the area, as shown wherever practicable on an accurate map or survey plan, and shall state the categorisation of the protected area so designated.

(2) A Designation Order shall be subject to the negative resolution of the National Assembly.

29. Acquisition of private land in a protected area.

(1) If the Minister determines that, having regard to the categorisation of the protected area and the purposes for which it has been designated as a protected area, it is necessary or desirable that the Crown should acquire any private land within the protected area, or any rights over or interest in such private land, the Crown may:

(a) acquire the land or any right over or interest in the land, either by agreement with the owner of the land or compulsorily in accordance with the provisions of the Land Acquisition Act, or the Nevis Land Acquisition Ordinance 1997, as the case may be, as being land needed for a public purpose within the meaning of those enactments; or

(b) enter into a written agreement with the owner of that land for the right of access to and the control of that land for the purposes of its management as a protected area under this Act.

(2) A landowner may donate, exchange, transfer or otherwise dedicate any land or interest in land to the Crown under this Act to be designated as a protected area.

30. Protected areas on private lands.

(1) Where the owner of private land or a non-governmental organization recommends to the Department that an area may be suitable for designation as a protected area, the Department may enter into consultations with such owner or non-governmental organization with a view to securing the establishment of such an area as a protected area.

(2) Where the Department identifies private land that may be suitable for designation as a protected area, the Department may enter into consultations with the owner of that land with a view to securing the establishment of such an area as a protected area.

(3) For the purpose of consultation, the Department shall:

(a) convene meetings with the landowner, persons resident in adjoining lands, other interested stakeholders, community groups, Government departments and statutory bodies to determine the level of interest in securing the establishment of a protected area;

(b) identify the issues of concern relating to the establishment of the proposed protected area;

(c) determine precise boundaries, land ownership and tenure in the proposed protected area;

(d) obtain written confirmation from the landowner to preserve the area in the interest of biodiversity, resource conservation or sustainability;

(e) undertake environment surveys to determine requirements for an appropriate protected area management plan; and

(f) negotiate and attempt to conclude a written covenant, easement or other agreement from the landowner concerning the management plan to be established in the proposed protected area.

(4) The Department shall report to the Minister after considering any submissions made and make recommendations as to whether the protected area should be designated.

(5) If the Minister is of the view that the area should be designated as a protected area, the Minister shall comply with sections 22, 24, 27 and 28 of this Act.

(6) A written covenant, easement or other agreement concluded with the landowner binds the landowner and his or her successors in title as well as the Government and may contain terms:

(a) requiring the Government to:

(i) acquire the land under the Land Acquisition Act;

(ii) provide financial and other assistance for the development and management of the protected area;

(iii) provide technical advice; or

(iv) carry out specific activities;

(b) where the land is not acquired compulsorily, allowing the landowner to carry out specific activities;

(c) prohibiting or restricting a specific use or management of resources in the area;

(d) requiring the land owner to refrain from, or not to permit specified activities.

(7) A written covenant, easement or other agreement concluded with the landowner expires if:

(a) the area no longer supports the basis for which it was declared a protected area; or

(b) the protection objectives for the area can no longer be achieved.

(8) The owner of private land within a protected area is not liable, except where the owner has been negligent, for:

(a) personal injury;

(b) loss of life; or

(c) loss of property, sustained by a person using a public road, right of way,

footpath over that land or by a user of the protected area entering on the private land with the permission of or under a licence granted by the Department whether the permission or licence is granted gratuitously or on payment of a fee.

31. Agreement to manage private land as a protected area.

(1) Land which is the subject of a co-management agreement under subsection (1) shall be placed under the control of the Department for the purposes of managing and maintaining the specific purpose for which the protected area was established.

(2) A co-management agreement made under subsection (1) shall be in writing and signed by the owner of the land or a person having authority to sign on behalf of the owner and by the Director on behalf of the Government and shall contain:

(a) a description of the land including a description of its boundaries;

(b) the reason for designation of the land as a protected area; and

(c) a requirement that a management plan be prepared for the area.

(3) A co-management agreement may be terminated by either party to the agreement by giving six months written notice along with an explanation of the reasons for termination.

32. Protected area on Crown lands.

(1) The Minister may designate an area of Crown land as a protected area in accordance with sections 22, 24, 27 and 28 of this Act.

(2) Except where the Governor-General acting on the advice of the Cabinet considers it expedient in the national interest or to further the purposes for which the protected area was designated, no Crown lands in a protected area may be granted, sold or otherwise disposed of and no person may be permitted to occupy Crown land in a protected area.

(3) Despite anything to the contrary in any other enactment, no right, title, interest to or over Crown land in a protected area may be acquired by a person by prescription.

33. Restrictions on development in protected areas.

The Development Control and Planning Board on Saint Christopher and the Department of Physical Planning in Nevis shall not approve or grant permission for the development of Crown or private land within a protected area without the approval of the Department.

34. Operations by governmental entities in protected areas.

(1) A governmental entity may continue to operate, manage and maintain any existing work or undertaking in a protected area which has been authorized by an enactment before the commencement of this Act.

(2) A governmental entity may continue to exercise its statutory duties, powers and functions in a protected area but in the exercise of those duties, powers or functions, it shall comply with any directions given by the Department or the Director for the purposes of conserving and managing the protected area.

35. Cooperation in case of overlapping mandates.

(1) The Department shall coordinate and consult across government levels and sectors on matters affecting and affected by protected areas.

(2) There shall be ongoing coordination and consultation between the Department and other relevant ministries or departments at appropriate jurisdictional levels with respect to:

(i) protected areas and biodiversity matters, including sites established under other legislation; and

(ii) other sectors of activity which may have a positive or negative impact on protected areas and biodiversity conservation.

(3) Decision-making institutions with responsibilities in other sectors of activities which may impact protected areas shall regularly consult and coordinate with the Department in advance of decisions that may affect in any way the protected areas system or a specific site.

(4) Where any provisions of this Act conflicts with the Fisheries, Aquaculture and Marine Resources Act (FAMRA), the Department shall consult with the competent authority under that Act with a view to ensuring consistency and cooperation in the management of marine resources

36. Conflicting objectives.

(1) Where government officials, acting pursuant to their legislative authority, plan an action that could be detrimental to the objectives of the protected areas system or a specific site, prior consultation with and consent from the Department is required.

(2) Where the consent of the Department is not granted, the matter may be brought before the responsible Ministers.

(3) Where the consent of the Minister responsible for the environment is not granted, the matter may be brought before the Cabinet of Ministers.

37. Responsibility for management of protected areas.

(1) There is hereby established a Protected Areas Unit within the Department of Environment and that Unit shall be responsible for the management of protected areas established under this Act.

(2) Notwithstanding subsection (1), the Department is generally responsible for overseeing the administration, management and monitoring of protected areas established under this Act.

(3) The Unit shall manage all protected areas covering terrestrial and marine areas in Saint Christopher and Nevis with the exception of Brimstone Hill Fortress National Park.

(4) Notwithstanding the generality of subsection (3), where the protected area in question is or materially involves a marine resource, the Department shall consult with the Department of Maritime Affairs and the Department of Marine Resources in respect of the appropriate management plan for that area.

38. Vesting of management of protected areas.

(1) The Governor General may, by Order published in the Gazette, vest any Crown land within a protected area in the Unit to which responsibility for the management of that area is delegated.

(2) Where the Unit becomes the trustee of a protected area, the Unit shall do such acts and things as may be necessary for the maintenance thereof and for the exercise of proper control or management thereto in order to prevent destruction, damage or, injudicious treatment of such protected area.

39. Activities in buffer zones.

(1) The Unit may establish a buffer zone adjacent to a protected area.

(2) Where a buffer zone is established under subsection (1), the Unit, under the direction of the Director, shall prepare a buffer zone management plan for the management of activities in the buffer zone.

(3) The draft buffer zone management plan prepared under subsection (2) shall before it is finalized, be submitted for public comment from persons including occupiers and private land owners within the buffer zone, non-governmental organizations and government entities.

(4) The Unit shall collaborate with the Chief Physical Planner, the Director of Agriculture and other government entities to ensure that the activities permitted or carried out in a buffer zone are compatible with achieving the purposes of the protected area.

40. Requirement for management plans.

(1) The Director or any person authorized by the Director, shall prepare a management plan for each protected area in accordance with this Act or Regulations.

(2) A management plan, designed to further the specific purposes for which the area is established and guide any activities that may be prohibited or permitted in the area, shall be prepared for each protected area established under this Act, on the basis of the best available scientific and other relevant information.

(3) The Director shall submit the management plan for public comment from persons including but not limited to:

(a) occupiers and private landowners within a protected area;

(b) local communities affected by or having an interest in the protected area;

(c) non-governmental organizations with experience in or engaging in similar biodiversity conservation initiatives; and

(d) government entities.

(4) The Director shall review the management plan at least once every five years.

(5) A management plan prepared for a protected area shall be in accordance with sustainable principles, guidelines and practices and consistent with the PAS Plan and the NEMS and any other relevant document.

(6) Every management plan for a protected area and every revision to that management plan made by a person other than the Director or the Unit shall be approved by the Department.

41. Contents of management plan.

To the extent feasible, every management plan for a protected area shall contain the following information:

(a) the category of protected area into which the area falls;

(b) the long term goals of the protected area and the associated conservation, restoration, research, historical, educational and recreational objectives of the area to meet these goals;

(c) a description of the manner and time frame within which various management measures will be undertaken, including the kinds of activities that will be regulated or prohibited;

(d) a statement of the projected capital and recurrent costs of implementing the management plan and an analysis of funding strategies for defraying these expenses; and

(e) a monitoring plan, including objective verifiable indicators for the determination of the effectiveness of management strategies;

(f) compliance requirements, commitments, or expected responsibilities under multilateral international and regional conventions, agreements, or programmes, including those related to designation of specially protected areas and wildlife on land or in the sea, conservation of migratory species, protection of wetlands for endangered waterfowl, conservation of biological diversity, protection of wildlife controlled in international trade, and preservation of world heritage sites;

(g) the zoning of a protected area with a description of the activities that may be carried out in different parts or sections of the area;

(h) the risks associated with the protected area;

(i) activities that are prohibited within a protected area or specific zones of the area, including the identification of any development being industrial, commercial or otherwise that might directly or indirectly affect the protected area;

(j) identification of the species or habitat that needs special attention measures and controls within the area.

42. Removal of resources from protected areas.

(1) The Director may, as part of a management plan for a protected area, issue a permit to fell, extract or remove timber or to remove other forest produce, flora, fauna, historical and cultural artefacts from a protected area, subject to terms and conditions.

(2) A permit granted by the Director under subsection (1) is valid for the period stated therein and is not transferable except with the written permission of the Director.

(3) The power of the Director under subsection (1) to issue permits includes the following powers:

(a) to refuse the application for a permit;

(b) to vary, suspend or cancel the permit;

(c) to impose, vary, cancel or suspend conditions of the permit

(4) A person who fells, extracts or removes timber or other forest produce, flora, fauna, historical and cultural artefacts from a protected area without a permit is in breach of an environmental requirement.

(5) An applicant may appeal to the Council where the Director refuses a permit.

PART V
BRIMSTONE HILL FORTRESS NATIONAL PARK

43. Continuation of Brimstone Hill Fortress National Park.

The area described in the First Schedule and declared by the former Act, in recognition of its national and international significance as an outstanding cultural and historical resource to be the Brimstone Hill Fortress National Park with effect from the 23rd day of October, 1987 is preserved and continues in being for the purposes of this Act so that its identity is not affected by the repeal of the former Act.

44. Management of Brimstone Hill Fortress National Park.

The Brimstone Hill Fortress National Park continues under the management of the Brimstone Hill Fortress National Park Society, a company incorporated under the Companies Act, (hereinafter referred to in this Part as "the Society") and the powers conferred and duties imposed on the Society by the former Act are not affected by the repeal of that Act.

45. Use of expertise and personnel.

In order to fulfil its responsibilities the Brimstone Hill Society may, with the approval of the Minister, use or employ such expertise or personnel from governmental, non-governmental and international organizations as it deems necessary and appropriate.

46. Brimstone Hill Society to make Regulations.

The Brimstone Hill Society shall have the power to make and enforce Regulations for the management and administration of the Brimstone Hill Fortress National Park under this section.

47. Use of admission fees.

The admission fees collected for the Brimstone Hill Fortress National Park by the Brimstone Hill Society shall be retained by the Brimstone Hill Society for the management and restoration of the Brimstone Hill Fortress National Park.

48. Accounts of the Brimstone Hill Society.

The Brimstone Hill Society shall maintain proper accounts of all sums of money received and expended in relation to the management and administration of Brimstone Hill Fortress National Park, and such accounts shall be open at all reasonable times for inspection by the Government and shall be audited annually.

PART VI
ST. MARY'S BIOSPHERE RESERVE

49. Designation and Status.

(1) The St. Mary's Biosphere Reserve, as designated by UNESCO under the Man and the Biosphere (MAB) Programme and inscribed under the World Network of Biosphere Reserves, is hereby recognized under this Act as a nationally protected area and shall be managed as a biosphere reserve in accordance with UNESCO MAB Statutes, the MAB

Management Plan as well as international obligations under existing and future conventions, treaties and national legislation.

(2) The Reserve shall be governed by a zoning framework, including:

(a) A core zone for strict biodiversity protection and conservation;

(b) A buffer zone for conservation, research, monitoring, education, and limited sustainable activity; and

(c) A transition zone where community engagement and models of sustainable development practices are promoted.

50. Management Authority.

(1) The St. Mary's Biosphere Reserve shall fall under the direct authority of the Department of Environment and managed by the MAB.

(2) The Department shall coordinate with the MAB, and other relevant agencies to:

(a) develop and implement a strategic management plan;

(b) promote innovative approaches to economic development that are socially and culturally appropriate and environmentally sustainable;

(c) protect the biodiversity value, tangible and intangible cultural heritage, historical places and sites of memory and other such assets in the St. Mary's Biosphere Reserve;

(d) conduct or facilitate scientific research and data collection to monitor the impact of human activity on the biodiversity in the core area;

(e) Ensure integration of the Reserve's objectives with the national sustainability goals as made explicit in the National Development Planning Framework.

(3) Any development, activity, or significant alteration to the integrity of the core and buffer zones within the Reserve must receive prior review and clearance from the Department of Environment and shall be guided by the principles of ecological sustainability and community co-management.

51. Prohibited Activities.

Within the core zone of the St. Mary's Biosphere Reserve, the following are prohibited:

(a) extractive activities (e.g., mining, logging, sand removal)

(b) deforestation;

(c) industrial or commercial development not in keeping with sustainable practices

(d) any activity likely to significantly alter natural ecosystems or endangered species habitats.

52. Community Engagement.

The Reserve shall promote inclusive governance and local community involvement, especially through:

(a) educational outreach programs;

(b) sustainable livelihood initiatives;

(c) traditional knowledge integration and cultural heritage preservation; and

(d) regulations and enforcement.

53. Biosphere Regulations.

The Minister may issue regulations specific to biosphere reserves, including:

(a) zoning boundaries and permitted uses;

(b) management guidelines;

(c) enforcement procedures and penalties for non-compliance.

54. Board of Directors.

(1) A Board of Directors shall be established to oversee the strategic direction, conservation priorities, and business operations associated with the St. Mary's Biosphere Reserve.

(2) The Board shall consist of no more than nine (9) members appointed by the Minister, drawn from the Department of Environment, local communities, private sector, NGOs, academia, and cultural heritage representatives.

(3) The Board shall:

(a) approve and monitor implementation of the Management Plan;

(b) oversee sustainable business ventures aligned with the Reserve's vision;

(c) promote transparency, local employment, and equitable benefit-sharing;

(d) submit an annual operational and financial report to the Director of Environment.

(4) The Board may establish subcommittees to manage specific functions such as biodiversity monitoring, business development, or stakeholder outreach.

PART VII
CONSERVATION OF BIOLOGICAL DIVERSITY

55. National conservation strategy, plans & programmes.

The Department shall develop policies, a national biodiversity strategy, action plan, other plans and programmes for the conservation of biological diversity.

56. Identification and monitoring.

(1) The Department shall identify the components of biological diversity that are necessary for conservation and sustainable use, including:

(a) ecosystems and habitats containing high diversity, or large numbers of endemic, endangered or threatened species, or which are required by migratory species, or which are of social, economic, cultural or scientific importance, or which are representative, unique or associated with key evolutionary or other biological processes;

(b) species or communities which are endangered or threatened, or wild relatives of domesticated or cultivated species, or are of medicinal, agricultural or other economic value, or of social, scientific or cultural importance, or of importance for research into the conservation and sustainable use of biological diversity, such as indicator species; and

(c) described genomes and genes of social, scientific or economic importance.

(2) The Department shall monitor, through sampling and other techniques, the components of biological diversity identified pursuant to subsection (1), paying particular attention to those requiring urgent conservation measures and those which offer the greatest potential for sustainable use.

(3) The Department shall identify processes and categories of activities that have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity and monitor their effects.

(4) The Department shall maintain and organize, by any mechanism, data derived from the identification and monitoring activities carried out pursuant to this section.

57. Protection of wildlife.

(1) The fauna and flora specified in the Third Schedule are hereby declared to be protected fauna and flora and shall be dealt with in accordance with the provisions of this Act.

(2) All birds in the Federation are considered protected with the exception of farm birds and birds authorized for the pet trade.

(3) No person shall commit any act of cruelty against any protected fauna, set out in the Third Schedule, within Saint Christopher and Nevis.

(4) A person who-

(a) wilfully kills, wounds, pursues, molests, captures or takes any protected animal or wilfully picks, collects, cuts, or takes any protected plant, by any method, or attempts to do any such thing or has possession of any protected animal or plant;

(b) disturbs any protected animal during the period of breeding, incubation, estivation or migration or takes, removes, damages, destroys or has possession of any nest or egg of a protected animal;

(c) exposes for sale, or knowingly has in possession, any protected animal or plant or any part of such animal or plant, alive or dead, taken or killed in Saint Christopher and Nevis after the commencement of this Act; or

(d) exports or attempts to export any protected animal or the shell, skin or plumage of any protected animal, taken or killed in, or the nest or eggs of any such animal, or any protected plant or the flower, fruit or seed or other part of any protected plant, alive or dead, taken or killed in Saint Christopher and Nevis after the commencement of this Act;

(e) commits an offence and is liable on summary conviction to a fine of five thousand dollars or imprisonment for three months for a first offence or to a fine of ten thousand dollars or imprisonment for six months for a second or subsequent offence.

(5) The burden of proof in relation to an offence under this section lies with the defendant.

58. Conservation of ecosystems and habitats and control and management of invasive species.

(1) In order to protect the ecosystems and natural habitats necessary to maintain the viability of populations of protected, threatened and endangered species in their natural surroundings, the Department shall:

(a) identify land or marine areas, or combined land and marine areas, to be designated as protected areas in accordance with the provisions of Part III of this Act or declared as marine reserves in accordance with the provisions of the Fisheries Aquaculture and Marine Resources Act 2016;

(b) in collaboration with the authority responsible for physical planning and development control, develop strategies to promote environmentally sound and sustainable development in areas adjacent to protected areas, with a view to furthering the protection of the critical ecosystems and habitats; and

(c) develop programmes for the rehabilitation or restoration of degraded ecosystems.

(2) The Director shall cause to be prepared a National Invasive Species Strategy and Action Plan (NISSAP) for Saint Christopher and Nevis.

(3) A NISSAP prepared pursuant to subsection (2) shall include appropriate policy, legal and institutional frameworks for all aspects of management of IAS in Saint Christopher and Nevis.

(4) The purpose of the NISSAP is to:

(a) minimize the harmful effects of invasive species on the environment, economy and society through coordination of efforts at the national level;

(b) facilitate cooperation within the Caribbean region to prevent the movement of invasive species;

(c) inform coherent policies, legislation, regulation and management of invasive species in Saint Christopher and Nevis;

(d) provide a communications strategy that will help raise public awareness to promote effective participation of society in efforts to minimize the risk and impact of invasive species on the islands of Saint Christopher and Nevis.

(5) The Director shall submit the draft NISSAP to the Council for review and the Council may recommend revision of the draft and submit the revisions to the Director.

(6) The Director shall coordinate the implementation of the NISSAP amongst key stakeholders.

(7) The Director shall review and revise the NISSAP at least every five years.

59. Regulation of hunting.

(1) The Minister may make Regulations designating a list of animals as game animals which may be hunted and killed.

(2) The Regulations made by the Minister under subsection (1) may prescribe for:

(a) the issue of hunting licences;

(b) the terms and conditions to which such licences are subject, including the numbers, age and sex of any game animal which may be hunted;

(c) the declaration of a closed season during which the hunting of game animals is prohibited;

(d) the areas within Saint Christopher and Nevis within which hunting is permitted;

(e) the methods by which game animals may be hunted, captured or killed;

(f) the times of day or night during which game animals may be hunted;

(g) the sale or purchase of the meat of game animals;

(h) the information that shall be recorded by a licenced hunter and returned to the Department; and

(i) offences and penalties.

60. Regulation of fishing.

Notwithstanding the provisions of section 57, it is declared that the provisions of this Part do not apply to the catching or harvesting of species of marine flora or fauna which is authorized or regulated by or under the Fisheries Aquaculture and Marine Resources Act 2016.

61. Forest management.

(1) The Department shall manage forests on unallocated Crown lands outside of protected areas as a permanent forest estate in accordance with sustainable tropical forestry principles, guidelines and practices.

(2) The Minister, on the advice of the Cabinet, may grant incentives to the owners of forested private lands outside of protected areas for the purpose of ensuring that those lands are managed in accordance with sustainable tropical forestry principles, guidelines and practices.

(3) In recognition of the value of forestry to the economy and well-being of Saint Christopher and Nevis, the Minister may make Regulations for:

(a) the establishment of forest reserves;

(b) the management of land in forest reserves;

(c) the sustainable use of forest produce, including the procedures with regard to felling or cutting timber and the harvesting or collection of non-timber forest produce;

(d) the promotion of reforestation and timber stand improvement;

(e) forest research;

(f) the regulation of charcoal burning; and

(g) the export from Saint Christopher and Nevis of any forest produce.

(4) No person shall cut or fell any timber or harvest or collect any non-timber forest produce on Crown or private land in Saint Christopher and Nevis except as authorized by a permit in writing issued by the Director.

62. Fire prevention in forested and protected areas.

(1) The Director, in collaboration with the Chief Fire Officer, may implement measures to prevent and suppress the occurrences of fires in all forested areas or protected areas.

(2) No person shall engage in the production of charcoal in a forested or protected area except in accordance with a permit issued by the Director, in collaboration with the Chief Fire Officer.

(3) No person shall start a fire in a forested or protected area except in accordance with a permit issued by the Director, in collaboration with the Chief Fire Officer.

(4) A person who starts a fire in a forested or protected area without a permit issued in accordance with subsections (2) or (3) commits an offence and shall be liable

(a) on summary conviction to a fine not exceeding thirty thousand dollars; and

(b) on indictment to a fine not exceeding one hundred thousand dollars.

PART VIII
ACCESS TO GENETIC RESOURCES AND THE SHARING OF BENEFITS

63. Sovereign Rights over Biodiversity.

The Government of Saint Christopher and Nevis exercises sovereign rights over the genetic resources existing in the country for the benefit of present and future generations.

64. Application of this Part.

(1) This Part applies to genetic resources and related knowledge and technologies, their derivatives existing in the jurisdiction of Saint Christopher and Nevis both in-situ and ex-situ, as well as, to the use of genetic resources of any origin where the use takes place within Saint Christopher and Nevis.

(2) Nothing in this Part shall affect the traditional use and exchange of biological resources as well as related knowledge and technologies carried out by and between local communities based upon their customary practices.

65. Guidance for Access and Benefit Sharing of genetic resources.

Access to genetic resources and related community knowledge and technologies shall be guided by the following principles:

(a) research and development on genetic resources shall be carried out, in so far as possible, within the country, unless found impossible to do so.

(b) when there are competing requests for access to genetic resources, priority shall be given to the applicant who undertakes to conduct the research and development within Saint Christopher and Nevis.

(c) access to genetic resources shall be based upon mutually agreed terms and subject to the procedure outlined in this Part.

66. Application for Access to Genetic Resources.

(1) An application for access to genetic resources shall be made in writing to the Department which is hereby designated as the Competent National Authority and focal point for matters relating to access to genetic resources and the sharing of benefits, as well as, the Access and Benefit-Sharing Clearing House of Saint Christopher and Nevis.

(2) The application shall contain, at a minimum, the following information:

(a) the name, address and other documentation and essential identifying information of the person or entity that will be responsible for ensuring that the terms of any permit received is properly complied with, that benefit sharing payments or activities are properly completed, that all payments, whether compensation or penalties or guaranties are paid in the event of any violation or breach;

(b) specific description of the particular resource, whether biological resources or associated traditional knowledge, to which access is being sought;

(c) the methodologies of collecting samples, conducting research and or commercial development;

(d) any risk or potential risk to the environment, biodiversity or sustainability of the genetic resource and to other resources, if access is granted;

(e) the purpose for which access to the genetic resource is requested including, where appropriate, the type and extent of commercial use expected to be derived from the resource;

(f) description of the manner and extent of intended involvement of Saint Christopher and Nevis including local and indigenous communities, in the necessary research and development of the genetic resource concerned;

(g) the identification of the national scientific counterpart institution which will participate in the research or that will monitor the process of collecting the genetic resource;

(h) the proposed area, or if known, the precise location, where research and development activities will be carried out including;

(i) collection, whether they involve wild collection or obtaining resources in other ways and specifying the geographic location where the resources are located and development activities will be carried out;

(ii) research, the types of research to be conducted and whether all or part of it will be undertaken in Saint Christopher and Nevis;

(iii) commercial development or transfer, whether there is a possibility that the applicant will undertake commercial development based on the research or will enter into agreements with some other person or entity for that purpose;

(i) specific anticipated monetary and non-monetary benefits that may derive to Saint Christopher and Nevis including economic, technical, biotechnological, scientific, environmental, social or otherwise to be shared, including proposals for how they shall be shared and with what individual, agency, institution or community;

(j) any other information requested by the Department.

(3) Upon receipt of the application, the Department shall consult with any relevant Ministries, as applicable.

(4) The Department shall communicate its decision on the application within six weeks of the date of the application.

(5) Where the application is approved, the Department shall invite the applicant to sign the Access and Benefit Sharing Agreement between the Applicant and the Government of Saint Christopher and Nevis.

(6) Prior to taking any action pursuant to the permit, the applicant must appear in person at the Department of Environment to receive a letter indicating that the bearer and his designees have permission to collect samples in the field, subject to the contents of the permit and conditional on adherence to the Access and Benefit Sharing Agreement.

(7) The letter to collect samples

(a) does not constitute prior informed consent for access to biological resources or associated traditional knowledge;

(b) does not authorize research or investigation of genetic properties of any biological resources or the removal of any biological resources from Saint Christopher and Nevis;

(c) will specify the methodology for collection, the procedures for monitoring and reporting on collection, the required conditions on collection including the measures for mitigating risk and any additional requirements recommended by the Department;.

(d) may only be issued following the signing of an Access and Benefit Sharing Agreement.

(8) The Department reserves the right to deny or approve an application for access, or modify or terminate an Access and Benefit Sharing Agreement.

(9) Where the application is denied, the Department shall give reasons for denying the application.

(10) Following any inspection of the samples in accordance with requirements from the appropriate authority and after an Access and Benefit Sharing Agreement has been signed, the Department will issue the final Access and Benefit Sharing Permit.

(11) Pursuant to subsection 10, the Access and Benefit Sharing Permit will be issued only to the applicant named on the application form and the permit shall be non-transferable.

(12) The Department shall submit a copy of the final permit, excluding any confidential information, the Access and Benefit Sharing Clearing House for its records.

(13) The Department shall develop a procedure by which a permit holder may request a revision of the permit in the event of any change in plans, situation or other matters.

(14) The changes referred to in subsection 13 shall include risks to the conservation status of any species or ecosystem or other risks to local or indigenous communities or residents and such request shall be considered by the Department.

67. Basis for denial of application.

The Department may deny an application –

(a) that is incomplete;

(b) that does not have the necessary supporting documentation attached;

(c) where the proposed activities pose a level of risk that the Department believes is unacceptable to any biological resource or ecosystem with particular attention to resources that are endangered or are particularly susceptible to adverse effects from the method of collection;

(d) that does not satisfy the Department of the Applicant's ability to gather the biological resource in a manner that maintains or promotes the biodiversity and sustainable use of the biological resource;

(e) where the proposed activities threaten the integrity of the natural or cultural patrimony of communities of Saint Christopher and Nevis;

(f) where the proposed activities and benefit-sharing as described in the application appear to provide no exclusive benefit to Saint Christopher and Nevis; or

(g) that fails to satisfy the Department that the applicant is financially able to assure compliance with the permit or to take financial responsibility in the event of violations or harm to species or the environment in the course of implementing the permit.

68. Access and Benefit Sharing Agreement.

(1) The Access and Benefit-Sharing Agreement shall be a binding legal document and shall contain the following minimum requirements:

(a) a limit on the sizes of the samples that the applicant may obtain or export;

(b) a legal agreement by the applicant to inform the Department and, where appropriate, the concerned local community of all findings from the research and development on the resource material, if a commercial use is derived from such activity;

(c) a commitment by the applicant not to transfer the acquired resources to any other party without the authorization of the Department;

(d) where applicable, provisions for the annual payment of royalties and other financial benefits to the Government of Saint Christopher and Nevis amounting to not less than twenty percent of the total value of the resources extracted from the country or thirty percent of the value of the product or commercial use derived from the biological resources taken;

(e) submission of a regular status report of research and development on the resources concerned; and

(f) commitment to abide by the laws of Saint Christopher and Nevis particularly those regarding sanitary control, bio-safety and the protection of the environment, as well as the cultural practices, traditional values and customs of the local community;

(g) a commitment by the Parties to resolve any dispute regarding the terms and conditions of the Access and Benefit Sharing Agreement by arbitration in accordance with the laws of Saint Christopher and Nevis and;

(h) access to genetic resources shall not be granted to any applicant, corporate or other entity until the Access and Benefit Sharing Agreement has been duly executed by the Applicant and a permit authorizing access to the genetic resource is duly issued by the Department.

(2) The Department shall seek to ensure that there is a commitment on the part of the State in whose jurisdiction the collector operates to provide that biological resources utilised within its jurisdiction have been accessed in accordance with prior informed consent and that mutually agreed terms have been established, and to take measures to address situations of non-compliance.

(3) The Department may unilaterally, or on the recommendation of an appropriate Government authority, withdraw its consent to access and terminate the Access and Benefit Sharing Agreement or discontinue further research on or use of a biological resource where it has become apparent that the applicant has violated any of the mutually agreed terms, or where the public interest so demands.

(4) Any claims upon biological resources obtained or used in violation of the provisions of this Part shall not be recognised and the certificate of intellectual property or similar certificates and licence upon such resources or products and processes resulting from access shall not be valid.

(5) The Department may, when it deems it necessary, establish restrictions or prohibitions on those activities which are directly or indirectly related to access to or introduction of biological resources, particularly in case of:

(a) endangered tax;

(b) endemism;

(c) adverse effects upon human health or upon the quality of life or the cultural values of the local communities;

(d) environmental impacts which are undesirable or difficult to control;

(e) danger of genetic erosion or loss of ecosystems, their resource or their components, because of undue or uncontrolled collection of germ-plasm;

(f) non-compliance with rules on bio-safety or food's security; and

(g) use of resources for purposes contrary to national interest and to relevant international agreements entered into by the country.

69. Penalty and sanctions.

(1) A person or entity that contravenes any of the requirements of this Part shall be liable to a sanction together with a financial penalty to be determined by the value gained by the person or entity that accessed the genetic resources of Saint Christopher and Nevis or the loss to Saint Christopher and Nevis in terms of biodiversity and the sustainability of the genetic resource, whichever is greater.

(2) Without prejudice to the provisions of subsection (1) sanctions and penalties to be provided may include-

(a) a written warning;

(b) the seizure and confiscation of collected biological and genetic specimens and equipment;

(c) a perpetual ban from access to biological resources in Saint Christopher and Nevis.

(3) Any violation committed under this Part shall be publicised in the national and international media and shall be reported by the Director to the secretariats of the relevant international governments and regional bodies.

PART IX
NATURAL RESOURCES MANAGEMENT – WATERSHEDS, WETLANDS AND GHAUTS

70. Declaration of watersheds.

(1) The Minister, after consultation with the Departments responsible for Water may:

(a) declare any area from which the drainage of water flows or is conveyed into a watercourse or waterworks, or any part of that area, to be a watershed; and

(b) make regulations to conserve and develop the water resources of Saint Christopher and Nevis to meet the present and future need for water for domestic, agricultural, commercial, industrial and other beneficial uses.

(2) Any regulations made pursuant to subsection (1)(b) may make provision for the protection of watercourses and for the maintenance and rehabilitation of watercourses, including the prohibition or control of:

(a) the felling, cutting or burning of any tree or underwood growth within thirty metres from any watercourse; and

(b) the cultivation of any land or the grazing of any livestock on any land within thirty metres from any watercourse.

71. Protection of watersheds and wetlands.

(1) The Department may recommend that any watershed or wetland be protected and require management for any of the following purposes:

(a) protection against storms, winds, rolling stones, floods and landslides;

(b) prevention from soil erosion and landslip, formulation of ravines and torrents and deposit of mud, stones and sand upon agricultural land;

(c) maintenance of water supplies in springs, rivers, canals and reservoirs;

(d) protection of topography and vegetative cover;

(e) protection from free roaming livestock and invasive alien species;

(f) floodwater storage;

(g) erosion control and improved water quality of critical fresh or salt water catchments;

(h) habitats for fish and wildlife; and

(i) food chain support.

(2) A proposal formulated under subsection (1) shall include:

(a) a description of the watershed or wetland including size, vegetative cover and boundaries and details of land ownership;

(b) a statement of the reasons for considering that watershed or wetland to require particular protection.

(3) The Director shall solicit comments regarding any proposal under this section before a final decision is made.

72. Watershed and wetlands on private land.

Where a watershed or wetland is located on land that is privately owned, the Minister may:

(a) enter into agreement with the owner of the land providing for the inclusion of such land within the protected watershed or wetland management and set out the respective obligations of the Minister, the Department and the land owner; or

(b) acquire the land in accordance with the provisions of the Land Acquisition Act or the Nevis Land Acquisition Ordinance.

73. Conversion of watershed.

(1) No person shall alter or backfill any wetland for any purpose without the written permission of the Director.

(2) Director shall not grant permission to any person to backfill any wetland without first consulting and receiving the advice and or recommendation of the Council.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand dollars or to imprisonment for one year.

74. Protection of ghauts.

(1) All ghauts in Saint Christopher and Nevis are declared to be areas of special concern to be managed in the public interest as stable and productive natural drainage channels.

(2) The Minister may, by order published in the Gazette require special land use, rehabilitation, management and conservation measures, including complete protection, in

any ghaut in order to ensure that it is maintained as a stabilised and productive natural drainage channel.

(3) A person who, on any land within a ghaut or within ten metres of the banks of a ghaut:

(a) undertakes any activity that may from time to time be prohibited by order of the Minister made pursuant to subsection (2); or

(b) without the permission in writing of the Department:

(c) cultivates, cuts, burns or clears the land or vegetation;

(d) grazes any livestock;

(e) constructs any structure; or

(f) mines any sand;

commits an offence and is liable on summary conviction to a fine not exceeding twenty five thousand dollars and to a further fine of five hundred dollars for each day during which the offence continues after conviction.

(4) A person who pollutes a ghaut or deposits litter in a ghaut commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand dollars and to a further fine of five hundred dollars for each day during which the pollution continues or the litter is not cleaned up after conviction.

(5) A person convicted under subsection (4) is responsible for cleaning up of pollution caused or the litter deposited, by the best available means, to the satisfaction of the Department.

75. Department may take remedial action.

(1) Where a person fails to comply with any measures specified in an Order of the Minister made pursuant to section 74 or in regulations made under this Act, the Department, after giving notice to the owner to take the necessary measures to comply with this Part, may enter the land and carry out all such necessary work.

(2) The work to be carried out by the Department shall be done by the Public Works Department under the general supervision of the Department.

(3) The owner of the land is liable for the costs of carry out any measures that are required and, if the Department enters on any land to carry out work pursuant to subsection (1), the Department may recover any expenses reasonably incurred for those purposes as a debt due to the Crown, in any court of competent jurisdiction.

PART X
ECOSYSTEM MANAGEMENT

76. Foreshore vested in the Crown.

All rights in and over the foreshore are vested in the Crown.

77. Public access to beaches.

(1) It is hereby declared that all rights in and over the beach are vested in the Crown and all beaches in Saint Christopher and Nevis are hereby declared to be public beaches.

(2) The public shall have the right of access and the right to use or enjoy the beach for recreational activities and purposes.

(3) There shall be at least one public landward access to every beach in Saint Christopher and Nevis and

(a) that access shall not be less than 8 feet in width;

(b) where traditionally the access was greater than 8 feet in width that original access must be retained; and

(c) shall be able to facilitate the proper access by emergency services.

(4) Traditional public use of a private landward access through an existing private development shall be sufficient grounds for establishing a public right of way over that access solely for the purpose of access to the beach by the public.

(5) Where the only landward access to a beach is through an existing private development where traditional public use pursuant to subsection (2) has not been established, the Government may

(a) designate a public right of way to access that beach through an existing private development; or

(b) acquire the right to access the public use of that beach by gift or may demarcate and create the public access pursuant to an Order subject to negative Resolution of the National Assembly.

(6) Where a proposed development is likely to adversely affect the public's right of reasonable access to a beach from the landward side, any development permit issued pursuant to the Development Control and Planning Act, Cap. 20.07 or under any other Act, for that development, shall include as a condition of development, a landward public access through the development, free of charge.

(7) A person who obstructs a public access to a beach commits an offence and is liable on summary conviction to

(a) in the case of an individual, a fine not exceeding one hundred thousand dollars or a term of imprisonment not exceeding one year or to both and for the restoration of the public access to the beach; or

(b) in the case of any corporation, either aggregate or sole, and any club, society, association or other body of one or more persons, to a fine not exceeding five hundred thousand dollars and for the restoration and maintenance of the beach access.

78. Coastal Zone Management Plan.

(1) The Department shall prepare or cause to be prepared a coastal zone management plan, indicating the strategy which the Department proposes to adopt for the environmental management of land and marine areas within the coastal zone, on the basis of the best available scientific and other relevant information.

(2) At any time before a coastal zone management plan with respect to the whole of the coastal zone has been prepared, the Department may prepare a coastal zone management plan for any part of the coastal zone, and the provisions of this section shall apply equally to the:

(a) preparation;

(b) approval;

(c) review; and

(d) amendment of any such plan as they apply in relation to a plan for the whole of the coastal zone.

(3) A coastal zone management plan shall include such maps and other descriptive matter as may be necessary to describe the natural and cultural features of the coastal zone and illustrate the proposed coastal zone management strategy, with such degree of particularity as may be appropriate, and may:

(a) allocate any land or marine area, or any combined land and marine area, within the coastal zone as an area to be designated as a protected area in accordance with the provisions of Part IV of this Act or declared as a marine reserve in accordance with the provisions of the Fisheries Aquaculture and Marine Resources Act;

(b) designate any land or marine area, or any combined land and marine area, within the coastal zone as a restricted area in which specified activities are prohibited or regulated in the manner prescribed by the plan;

(c) define the sites of proposed coastal conservation works and other coastal conservation projects to be carried out by or on behalf of agencies of the Government or the Nevis Island Administration, as the case may be; and

(d) specify as land subject to compulsory acquisition by the Crown any land which, in the opinion of the Department, ought to be acquired by the Crown for the purposes of securing its use in the manner proposed in the plan.

(4) It is declared that the activities that may be prohibited or regulated pursuant to subsection (3)(b) include, but are not limited to:

(a) the capture, killing, harvesting or taking by any means of terrestrial or marine plants or animals, including fish;

(b) the drainage, reclamation or alteration of any wetland;

(c) the removal of any vegetation from a beach;

(d) the disturbance or removal, from a beach or the backshore area within the zone of risk, of any natural barrier against the sea, including the primary sand dune;

(e) sand mining on Crown or private land above the high water mark or on the foreshore or the dredging of the seabed;

(f) the use or anchoring of pleasure boats, fishing boats, cruise ships or other vessels;

(g) water skiing or the operation of jet skis, whether for hire or otherwise;

(h) the driving or parking of all-terrain vehicles on the beach or on any land, other than a paved road or car park, within the coastal zone;

(i) the disposal of any waste matter, whether from land based sources or from boats and other vessels.

(5) In the course of preparing a coastal zone management plan, or of proposals for any amendment to an approved plan, the Department shall consult with the Marine Resources Department and the Maritime Affairs Department and other relevant government agencies and such other persons and bodies as the Department thinks fit.

(6) The Department shall publish a notice at least once in a newspaper of general circulation in Saint Christopher and Nevis, on a relevant government website and in the Gazette inviting comments or objections from those persons whose rights or interest may be affected by the proposal.

(7) A person who has comments or objections to the proposal after seeing the notice published in accordance with subsection (6) shall submit his comments or objections to the Department in writing.

(8) Every coastal zone management plan, and every amendment to an approved plan, shall be approved by the Minister, with or without modifications.

(9) Pursuant to subsection (8), before a coastal zone management plan is approved, in deciding whether to approve a coastal zone management plan or any amendment to such a plan, with or without modifications, the Department shall take into consideration any objections and representations made by persons whose rights or interests may be affected by the proposals.

(10) The Department shall review the coastal zone management plan at least once every five years and where appropriate, make changes to the plan.

(11) The Minister shall by Order publish the coastal zone management plan or any amendments to the coastal zone management plan in the Gazette.

79. Restrictions on construction on the seashore.

(1) No person shall undertake or permit or cause to be undertaken operations for the construction or erection of any temporary or permanent building or other structure or works on the beach or other land within thirty metres landward from the high-water mark, whether or not any other statutory consent is required for carrying out such works, unless:

(a) notice of the proposed works is given to the Department at least two months before the works are commenced; and

(b) the Department, after consultation with the Physical Planning Department, grants its consent in writing, unconditionally or subject to such conditions as it sees fit, for the execution of the proposed works.

(2) No person shall undertake or permit or cause to be undertaken operations for the construction or erection of any hard structure, including but not limited to any groyne, jetty, pier, or sea defence work, within the zone of coastal dynamics, whether or not any other statutory consent is required for carrying out such works, unless:

(a) notice of the proposed works is given to the Department at least two months before the works are commenced; and

(b) the Department has granted its consent in writing, unconditionally or subject to such conditions as it sees fit, for the execution of the proposed works.

(3) A person who intends to undertake any proposed works on the seashore shall first obtain permission to do so from the Development and Planning Control Board or the Department of Physical Planning in Nevis.

80. Control of sand mining.

(1) No person shall engage in sand mining from any land on the foreshore or other Crown land within the coastal zone.

(2) Notwithstanding subsection (1), the Minister may provide for exceptions in consultation with the Department and shall prescribe regulations setting out the conditions that shall apply to such exceptions.

(3) A person, including:

(a) an individual who engages in sand mining;

(b) an individual who transports sand that was obtained by way of sand mining;

(c) an individual or company who receives sand obtained from sand mining;

(d) the owner of land upon sand obtained from sand mining is obtained,

commits an offence and is liable on summary conviction to a fine of up to one hundred thousand dollars or to imprisonment for up to one year.

81. Saving of existing rights.

Nothing in this Part affects any land in seasonal or perennial agricultural use, nor any vested rights enjoyed in or over any beach by persons engaged in artisanal fishing as a trade, on the coming into force of this Act.

PART XI
SOIL CONSERVATION

82. Duty of landowner.

A landowner shall in respect to his land, take appropriate measures:

(a) to prevent soil loss or deterioration from taking place;

(b) if soil loss or deterioration is taking place, to stop the loss or deterioration from continuing.

83. Directions to take remedial action.

(1) If the Department is satisfied that, with respect to land, appropriate measures are not being taken:

(a) to prevent soil loss or deterioration from taking place;

(b) in the case where soil loss or deterioration is taking place, to stop the loss or deterioration from continuing the Department shall serve on the landowner a notice directing the landowner to take the remedial measures set out in the notice within the time specified in the notice.

(2) If the landholder is not the owner of the land in respect of which the notice was given, the Department shall serve a copy of the notice on the owner.

84. Remedial measures.

(1) Where the landowner does not comply with the notice within the period of time specified, the Department or a person authorized by the Department may enter unto the land and carry out the remedial measures specified in the notice.

(2) Where expenses are incurred by the Department in the carrying out of remedial work under subsection (1), the Department shall notify the landowner of those expenses and demand payment of the expenses within thirty days of the date of the notification.

(3) Where payment of the expenses demanded under subsection (2) is not made within the thirty day period, the Department may:

(a) add the unpaid expenses to the tax roll of the landowner as an additional tax against the land in respect of which the expenses were incurred;

(b) recover the unpaid expenses as a debt due to the Government by action against the landowner.

85. Regulations for soil conservation.

The Minister may, after consultation with the Council, make regulations for soil conservation, including but not limited to:

(a) the control of development for residential and commercial purposes and road construction;

(b) prohibition or control of the grazing of livestock; and

(c) the encouragement of scientific farming techniques designed to reduce or prevent soil erosion.

PART XII
POLLUTION CONTROL

86. Designation of pollutants.

(1) The Department shall:

(a) designate as a pollutant any substance, thing or man-made phenomenon including energy, noise, vibration, electro-magnetic or ionizing radiation, odour or temperature variation which, in a specified quantity or concentration or condition, is likely to cause harm to human health or affect the quality of the environment;

(b) prescribe allowable standards of pollution and in so doing may prescribe different standards for the deposit, release or escape of pollutants on or into land, water or the air or within different geographical areas.

(c) prescribe for matters required or permitted to be prescribed under this Part and make such provision as is necessary or convenient for giving effect to this Part.

(2) The unauthorized deposit, release or escape of pollutants into the environment in excess of the allowable standard of pollution applicable to the receiving environment is prohibited.

87. Register of sources of pollution.

(1) The Department shall establish within the NEIS, a register of sources of pollutants, which shall contain data identifying the source, quality, conditions or concentrations relevant to the identification of a pollutant.

(2) The register under subsection (1) shall be open to inspection by the public at its office during ordinary business hours, on payment of the prescribed search fee, if any.

88. Pollution control permits.

(1) No person shall deposit or release a pollutant on or into land, water or the air, except in accordance with a pollution control permit issued by the Department.

(2) A permit issued under subsection (1) shall be subject to such conditions as the Department may determine.

89. Notice of intention.

(1) At least thirty days prior to making an application for a pollution control permit under section 84, the applicant shall publish in a daily newspaper or news website in St. Kitts and Nevis a notice of intention to make such an application.

(2) The notice of intention shall:

(a) state

(i) the name of the applicant;

(ii) the location of the premises from which the pollutant is to be released;

(iii) the general nature of the process to be conducted on the premises giving rise to the pollution;

(iv) the pollutant to be released; and

(v) the receiving environmental medium into which the pollutant is to be released.

(b) advise members of the public of their right to make objections in writing against the application in accordance with subsection (3).

(3) When a notice of intention has been published any member of the public whose interests are likely to be affected by the grant of a pollution control permit may, within twenty-one days of the publication of the notice, make an objection in writing to the Department against the application, stating

(a) his or her name and address;

(b) his or her interest in the matter; and

(c) the nature and grounds of his or her objection to the application.

90. Application for pollution control permits.

(1) Any person who releases or proposes to release any pollutant into the environment shall apply to the Department for the grant of a pollution control permit in the form as determined by the Department.

(2) An application for a pollution control permit shall be submitted to the Department at least twenty-seven business days before the date on which the applicant proposes to commence an activity that is likely to result in the discharge of a pollutant into the environment.

(3) The application shall be in the form as may be determined by the Department and shall be accompanied by:

(a) in the case of a point source of pollution, such plans and other particulars as are necessary to describe the premises or plant or equipment from which the pollutant is to be released into the environment, identifying the point of release or, in the case of mobile plant and equipment the place at which it will be in operation;

(b) in the case of a non-point source of pollution, such plans and other particulars as are necessary to describe the situation and extent of the land or water on or over which the pollutant is to be released into the environment;

(c) in any case where the pollutant to be released will result from a process or activity, a general description of that process or activity;

(d) in any case where any other statutory consent is required for undertaking that process or activity, proof that the required consent has been obtained;

(e) any proposals for the reduction, reuse or recycling of wastes, effluents and emissions generated by that process or activity; and

(f) particulars of the type, volume and rate of release of the pollutant into the environment.

(4) Where the information supplied by the applicant under subsection (3) is inadequate for the purposes of evaluating an application, the Department may in writing request the applicant to provide such other information as is reasonably required and, where a request for such supplementary information is made, the application will be treated for the purposes of this section as having been received on the date when the supplementary information is received by the Department.

(5) If the Director is satisfied that the applicant has shown a reasonable basis for the claim that the information is a trade secret or confidential business information, the Department shall not release or disclose any such information to any other person.

(6) A person who contravenes the provisions of subsection (1) and who releases a pollutant into the environment without a permit commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

91. Determination of applications.

(1) The Department, in collaboration with the Environmental Health Department, the Department of Physical Planning and any other relevant authority as the Department considers

appropriate shall, upon receiving an application for a pollution control permit consider the application and either

(a) grant a pollution control permit to the applicant subject to such conditions as it thinks fit; or

(b) refuse the application giving the applicant the reasons therefore.

(2) In considering an application for the grant or renewal of a pollution control permit the Department shall have regard to

(a) the applicable environmental quality standards set out in national or domestic guidelines, the World Health Organization (WHO) and any other guidelines for drinking water, recreational water and air;

(b) the background concentration of pollutants in the environment;

(c) the desirability of preserving the quality of the environment at the existing level or restoring the quality of the environment to a higher level;

(d) the desirability of ensuring that the best practicable available treatment or control of substances released into the environment is employed;

(e) the combined effects of the proposed release of a pollutant into the environment and other existing releases into the environment; and

(f) the desirability of making provisions for future releases of pollutants into the environment.

(3) In considering an application for a pollution control permit the Department shall also consider any objection made by any member of the public and may consult such other governmental organizations and persons as it deems necessary for assessing the merits of the application and any objection to it.

(4) Where an application for a pollution control permit is refused by the Department, or is granted by the Department subject to conditions, the applicant may, within twenty-eight days of his or her receipt of notice of the decision, appeal to the Council setting out the grounds upon which the appeal is made.

(5) Where the Council receives an appeal from an applicant, the Council may, within 60 days of receipt of the appeal

(a) grant the appeal;

(b) vary the terms and conditions under which the pollution control permit is granted or;

(c) refuse the appeal.

(6) Where the Council refuses the appeal, it shall communicate the decision to the applicant along with its reasons for arriving at that decision.

92. Terms of pollution permit.

(1) Subject to subsection (2), a pollution control permit continues in force for the period specified therein.

(2) The Department may, on application of the permit holder made not later than ninety days before the expiry thereof, renew a pollution control permit for such period and upon such conditions as it deems fit.

93. Transfer of pollution control permit.

A pollution control permit is not transferable without the consent of the Department.

94. Modification, suspension etc. of pollution control permit.

(1) Where it appears to the Director that having regard to a change in circumstances, including changes in environmental conditions or pollution control technology, that any pollution control permit should be modified, the Director may –

(a) give notice in writing to the permit holder of the intention to modify the permit;

(b) allow the holder of the permit the opportunity to make representations on whether the modification should be done;

(c) take into consideration such written representations as are made before it by the permit holder or the representatives of the permit holder.

(2) The Director may, by notice in writing served on the permit holder, forthwith suspend the pollution control permit for such a period as the Director determines to be appropriate or revoke a pollution control permit where the permit holder:

(a) fails to pay any amount payable under this Act;

(b) fails to fulfil any of the conditions of the pollution control permit;

(c) does not comply with the provisions of this Act or any regulations made hereunder in respect of any matter related to the pollution control permit or the purpose for which it was granted; or

(d) where the Director is satisfied that any such default may result in irremediable damage to or irreversible degradation of the environment.

(3) The Director shall not suspend or revoke a pollution control permit under subsection (3) unless the Director has

(a) served notice of the intention to revoke or suspend the permit on the permit holder;

(b) given the permit holder 14 days after receipt of the notice to make representations; and

(c) taken into account-

(i) any action taken by the permit holder to remedy such default; or

(ii) any action taken by the permit holder to mitigate against the recurrence of similar defaults; and

(iii) any representation to the Director by the permit holder pursuant to paragraph (b).

(5) Where the Director modifies, suspends or revokes a pollution control permit the permit holder may appeal in writing to the Council within 28 days of the decision setting out the grounds upon which the appeal is made.

95. Surrender of pollution control permit.

(1) A permit holder may, by giving to the Director one month's prior notice in writing, surrender a pollution control permit.

(2) The Director shall by instrument in writing cancel a pollution control permit that has been surrendered.

96. Liability incurred by permit holder.

(1) The revocation of a pollution control permit shall not affect any liability incurred by the permit holder before the suspension or revocation of the pollution control permit.

(2) Where pursuant to subsection (1), a pollution control permit is suspended or revoked, the fact of such suspension or revocation does not affect the validity of legal proceedings that commenced prior to that suspension or revocation.

(3) Where a pollution control permit is suspended or revoked, the general public shall, within 14 days of that suspension or revocation be informed of that fact by notice issued in the Gazette and by such other means as the Department may determine to be reasonable in light of the particular circumstances.

97. Pollution charges.

(1) The holder of a pollution control permit issued pursuant to this Part shall be liable for the payment of pollution charges with respect to the release of any pollutant into the environment.

(2) The following pollution charges are payable, in the amount as may be prescribed by regulations

(a) a pollution control permit fee is payable annually fifteen days prior to the start of the year to which it relates; and

(b) a pollution levy, calculated on the basis of the amount of each pollutant released into the environment measured as specified by the Department is payable quarterly within fifteen days of the end of the quarter to which the payment relates.

98. Director may order pollution be discontinued.

(1) Where the Director, after consultation with the appropriate authority, is of the opinion that

(a) a source of contaminant or pollutant is adding to, emitting or discharging into the environment a contaminant or pollutant; or

(b) such a contaminant or pollutant constitutes an immediate danger to life or to the health of any person or to property or sensitive ecosystem;

the Director may issue an appropriate order directed to the person responsible for the source of such contaminant or pollutant to discontinue adding to, emitting or discharging such contaminant or pollutant.

(2) Where, in the opinion of the Director it is necessary or advisable to do so, the Director may, by an order directed to any person, require that person to have on hand and

available at all times such equipment and material as the order specifies to alleviate the effect of any contamination or pollution to the environment.

(3) A person to whom an order is directed under this section commits an offence if such a person fails to comply with the order.

(4) In this Part, the expression, "sensitive ecosystem" means an area with fragile biophysical characteristics or with significant environmental resources as identified by the Department or by a scientifically documented inventory or recognised assessment.

99. Prohibition notice.

(1) Where the Director reasonably believes that any owner or operator of a commercial or industrial facility or his or her agent, has conducted or is likely to conduct an activity in any area such as to pose-

(a) a serious threat to the environment;

(b) a risk of death, bodily injury or disability to any person; or

(c) a public health risk the authorized officer may issue a prohibition notice to such owner or operator of the facility, in the manner set out in the prescribed form.

(2) A notice issued under subsection (1) shall -

(a) specify that the owner or operator must cease the activity immediately;

(b) identify the nature of the threat to the environment, the risk of death, bodily injury or disability pollution posed by the activity or proposed activity, or the risk of damage to human health;

(c) specify the steps that must be taken by the owner or operator of the facility:

(i) to ameliorate the effect of the activity; or

(ii) to restore the environment, as much as may be possible, to its condition prior to the commencement of the activity;

(d) specify the time within which the steps referred to in paragraph (c) must be taken;

(e) specify that the owner or operator may challenge the Notice by lodging an appeal to the Council within 14 days of the notice.

(3) An owner or operator of a commercial or industrial facility commits an offence if he or she fails to comply with the requirements of the notice and shall be liable on summary conviction to a fine not exceeding one hundred thousand dollars or to a term of imprisonment not exceeding one year.

(4) A notice issued under subsection (1) shall be issued

(a) by delivering it personally to the owner or operator of the commercial or industrial facility;

(b) by leaving it at the person's usual or last known place of residence;

(c) by leaving it at the owner or operator's place of business with a supervisor, manager or someone in a position of authority; or

(d) by posting it in a registered letter addressed to the owner or operator of the facility, or if the facility is owned by a registered company, to the last known registered office of the company.

(5) A prohibition notice shall be placed in a conspicuous place on the facility indicating that the facility, or a part of it, is not to be used to undertake any activity until the authorized officer certifies in writing that the threat or risk to the environment or to public health no longer exists.

(6) Where an appeal is made to the Council against a prohibition notice in which the cessation of an activity is ordered, the notice shall remain in effect pending the final determination or withdrawal of the appeal.

100. Time to be allowed for compliance.

(1) If, on the coming into force of any Regulations made under this Part, any person is engaged in any existing activity or process that, on a continuous or intermittent basis, causes or results in the deposit or release of any pollutant into the environment in excess of the allowable standards, the Department shall allow that person a reasonable time to upgrade their plant or equipment to comply with the prescribed standards.

(2) In determining the amount of time that is reasonable to allow for the upgrading of plant and equipment pursuant to subsection (1), the Department shall address each situation on a case by case basis taking into account the age of machinery, nature of industrial activity or other process, access to appropriate technology or business processes, amongst other things.

101. Liability for pollution prior to commencement of the Act.

(1) If any part of the environment is found to have been polluted before the coming into force of this Act, the Department may, by notice served on that person, require any person who it finds to have been solely or partly responsible for causing or allowing that pollution to take place, to take such measures to clean up or rehabilitate the environment as the Department may specify.

(2) When the Department finds that more than one person was responsible for such pollution, liability for undertaking the clean up or rehabilitation measures required pursuant to subsection (1) shall be shared between those persons on a pro rata basis.

(3) If a person fails or refuses to comply with a requirement imposed by the Department pursuant to subsection (1), within the period of time allowed for compliance specified in the notice, the Department may undertake the necessary clean up or rehabilitation measures, either directly or by employing contractors, and may recover the costs of so doing, or a proportional contribution to those costs, from that person as a civil debt in a court of competent jurisdiction.

(4) A person who the Department has found to be solely or partly responsible for pollution under this section may appeal against that finding to the Council no later than 28 clear days after the date of service of the Notice given under subsection (1).

102. Power to set technology standards.

(1) The Minister may by Regulations prescribe performance standards with respect to the generation and release into the environment of pollutants from mobile or immobile

machines and equipment, including but not limited to automobiles, construction plant and equipment and home and garden appliances.

(2) In this section, the expression "home and garden appliances" includes but is not limited to electricity generators, water pumps, air-conditioning units, security alarms, brush-cutters and lawn-mowers.

(3) In Regulations made under this section a reasonable period of time shall be allowed between the introduction of the standards and their enforcement to accommodate the upgrading or depreciation and replacement of existing machines and equipment.

(4) Upon the coming into force of Regulations made under this section, the importation into Saint Christopher and Nevis of any machine or equipment that does not comply with the prescribed performance standards is prohibited.

103. Spills or accidental release of pollutants.

(1) The Department may require any person who owns or controls any premises, vehicle or vessel on which any pollutant or hazardous substance is handled, stored, used or transported, to prepare a contingency plan to deal with a spill or accidental release of that pollutant or hazardous substance.

(2) A contingency plan prepared pursuant to subsection (1) shall be submitted to the Department for its approval, with or without amendments and shall set out:

(a) the counter-measures to be adopted in the event of a spill or accidental release of the pollutant or hazardous substance; and

(b) the steps to be taken to clean-up the environment afterwards.

(3) When any spill or accidental release of a pollutant or hazardous substance occurs, the person who owns or controls the premises, vehicle or vessel on which the incident takes place shall immediately:

(a) notify the Department of the incident;

(b) implement the approved contingency plan, if any; and

(c) take such other measures as are necessary or expedient to minimize any resulting threat to human health or the environment.

(4) If, after investigating the incident, it appears to the Department that such action is necessary, the Department may undertake such emergency response measures as it thinks necessary or expedient to protect human health and the environment, either:

(a) directly; or

(b) by coordinating the activities of the competent governmental and non-governmental organizations; or

(c) by employing contractors.

(5) The Department may recover the costs of carrying out emergency response measures under subsection (4) from the person who owns or controls the premises, vehicle or vessel concerned, as a civil debt in the court of competent jurisdiction.

104. Environmental Auditing.

The Minister may by Regulations prescribe appropriate standards and procedures for the carrying out of environmental audits and set out:

(a) the circumstances in or under which such audits shall be carried out on any premises;

(b) the qualifications of persons by whom such audits may be carried out; and

(c) the measures that the Department may take with respect to the findings of such audits.

105. Environment to Consult.

Where the relevant pollution referred to in this Part is maritime or marine in nature, the Department shall consult and collaborate with the Department of Maritime Affairs and the Department of Marine Resources to determine an appropriate course of action for the management, monitoring and enforcement in relation to acts of pollution.

PART XIII
ANTIQUITIES AND CULTURAL HERITAGE

106. Objectives of protection of cultural heritage.

The purposes and objectives of this Act in protecting cultural heritage is to maintain or restore historic sites of cultural, archaeological, scientific or educational value or interest.

107. Licence to search for antiquities.

(1) No person may excavate or otherwise search for antiquities, whether on private land, on the seabed or elsewhere, except under a licence granted by the Department and the Department may consult with any relevant stakeholders or interest groups.

(2) No person may excavate or otherwise search for antiquities, whether on private land, on the seabed or elsewhere, except under a licence granted by the Branch of the Department and the Department may consult with any relevant stakeholders or interest groups.

(3) No person may excavate or otherwise search for antiquities where the site is situated within the waters of Saint Christopher and Nevis without a licence granted by the Department and the Department may consult with any relevant stakeholders or interest groups.

(4) An applicant for a licence to search for antiquities shall furnish the Department with a plan for the proposed excavation or salvage operations and such other information as the Department may reasonably require in order to determine the application.

(5) A licence to undertake excavation or salvage or other operations to search for antiquities may be granted only to a person who can satisfy the Department that he or she:

(a) has access to or a guarantee of sufficient fund to undertake the operations in a satisfactory manner; and

(b) has the scientific competence to undertake the operations, as assured by any recognised learned society or institution of higher learning.

(6) The Department may attach such terms, conditions and limitations to a licence granted under this section, including the payment of fees, as it considers appropriate in the public interest, in order to protect antiquities.

(7) Without prejudice to the generality of subsection (3), it is a condition of every licence granted under this section that the holder of the licence shall, at the close of excavation or salvage or whenever the Department may direct:

(a) furnish the Department with a list of all the antiquities discovered; and

(b) deliver to the Department for inspection and division in accordance with section 114.

(8) If the holder of a licence issued pursuant to this section breaches any of the terms, conditions or limitations of the licence, the Department may suspend or cancel the licence.

(9) A holder of a licence who breaches any of the terms, conditions or limitations of the licence shall be liable on summary conviction to a fine not exceeding one hundred thousand dollars and imprisonment for one year.

108. Treatment of antiquities.

(1) All antiquities discovered during any operations licensed pursuant to section 106 are subject to inspection and shall remain the property of the Federation of Saint Christopher and Nevis.

(2) Before forming an opinion as to the importance of antiquities for the purposes of subsection (1), the Department may consult with any relevant stakeholders or interest groups.

109. Accidental discovery of antiquities.

A person who, not being the holder of a licence granted under section 112, accidentally discovers antiquities, shall forthwith report the fact to the Department and the provisions of section 113 apply mutatis mutandis.

110. Export and return of antiquities.

(1) No person shall export any antiquity from Saint Christopher and Nevis, except under a license to export that antiquity, granted in accordance with Regulations made under this Act.

(2) A person who is granted permission to remove and export antiquity from Saint Christopher and Nevis shall return that antiquity to Saint Christopher and Nevis within the timeframe outlined in the licence.

111. Contravention of this Part.

A person who searches for antiquities whether on his land or by excavating or removing any antiquity from the seabed and elsewhere, or exports antiquities from Saint Christopher and Nevis, except under and in accordance with a licence obtained under this Part, commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand dollars or to imprisonment for one year.

112. Listing of historic buildings, monuments and sites.

(1) The Saint Christopher National Trust shall prepare and maintain a national register and listing of all historic buildings, monuments and sites in the Federation to be preserved for purposes of historic and cultural importance which shall contain, but not be limited to:

(a) a description of the building, monument or site;

(b) the location of the building, monument or site;

(c) ownership of the building, monument or site;

(d) the historic function of the building, monument or site; and

(e) the current function of the building, monument or site.

(2) The Saint Christopher National Trust shall give notice in writing to the owner of any building, monument or site that is proposed for inclusion on the list under this section and also notify the owner of his rights under subsection (3) hereof.

(3) Within three months from the date of the notice issued under subsection (2), the owner may lodge a written objection to the inclusion of his or her property on the list.

(4) Where the owner fails to lodge an objection to the inclusion of his or her property on the list within the timeframe under subsection (3), then the Saint Christopher National Trust shall, by notice published in the Gazette, declare that property to be a listed property.

113. Effect of Listing.

(1) Except as provided in subsection (3), where any building, monument or site is officially declared to be listed in the National Register as a historic property, no person shall carry out any development on that property except with the approval of the Development, Control and Planning Board after consultation with the Department.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred thousand dollars and to an additional fine of five hundred dollars for every day that the offence continues after conviction.

(3) It shall not be an offence under this Act for the owner of a historic building, monument or site listed on the national register to carry out repairs or maintenance in a manner which preserves the features for which it was listed or when such repairs or maintenance is necessary to prevent danger to any person.

114. Incentives to maintain and restore historic buildings, monuments and sites.

(1) An owner of a historic building, monument or site who repairs or restores that building, monument or site may apply to the Minister for any or all of the following incentives:

(a) exemption from payment of land and house tax for that building, monument or site;

(b) exemption from customs duties and consumption tax for materials imported to carry out repairs and restoration on the building, monument or site;

(c) assistance from the Public Works Department to carry out the repairs.

(2) The owner of a historic building, monument or site who receives financial or technical assistance pursuant to this section for the purpose of restoring and repairing such property shall make the property available for visits by the public as such times as are mutually agreed between the owner and the Minister after consultation with the Saint Christopher National Trust.

115. Preservation of sites and buildings of interest.

(1) The provisions of the Development Control and Planning Act, Cap. 20.07 shall apply with respect to the preservation of sites and buildings of interest on the island of Saint Christopher.

(2) The provisions of the Nevis Physical Planning and Development Control Ordinance, Cap. 6.09 shall apply with respect to the preservation of sites and buildings of interest on the island of Nevis.

PART XIV
ENVIRONMENTAL IMPACT ASSESSMENT PROCESS

116. Environmental impact assessment process: screening and scoping.

(1) Further to provisions of the Development Control and Planning Act of 2000, if any proposed activity or development may result in a negative impact on the environment, the Director of the Department of Physical Planning shall request the Director of the Department of the Environment to conduct a screening exercise to determine if the proposed activity or development would require an Environmental Impact Assessment (EIA).

(2) Where the proposed development is likely to have any negative impact on the environment, a scoping exercise shall be done to determine the terms of reference for the preparation of the EIA, in consultation with the Department of the Environment.

(3) The Director of the Department of the Environment shall forward to the Director of Physical Planning for consideration, a written statement of the Department's findings and recommendations and a draft of the Terms of Reference for the EIA that is to be undertaken.

(4) The terms of reference shall, where appropriate, include a request that the developer submit with the environmental impact assessment, a copy of the design of the proposed activity and an environmental protection plan and monitoring programme.

117. Registration and publication of notice.

(1) The Director shall register the matter referred to in section 116 by placing in the NEIS a copy of the notice issued by the Director of Physical Planning to the developer advising that an EIA is required.

(2) The notice in the NEIS must also include an entry –

(a) outlining the nature of the proposed undertaking or activity;

(b) specifying that the matter has been registered for an environmental impact assessment; and

(c) indicating the place to which any written submissions may be made concerning the proposed activity and the time within which submissions are to be received by the Department.

118. Review of EIA Report.

(1) Further to the provisions of the Development Control and Planning Act of 2000, the Director shall review the Environmental Impact Assessment resulting from the environmental impact assessment exercise.

(2) The Director shall, as part of the review of any EIA report, collaborate with any other appropriate authority.

(3) The Director may consider the comments and observations made by the public in making a decision on an EIA.

(4) The statement of the Department's findings on the review shall be submitted to the Director of Physical Planning not later than 30 days from the date of the request made pursuant to subsection (1).

119. Decision on reports.

(1) The Development Control and Planning Board shall take into account and be guided by the recommendations of the Department in making a final decision on any EIA.

(2) The Director of Physical Planning shall forward a notice of the final decision on any EIA to the Director who shall cause the notice to be published in the Environment Registry.

(3) Any person who is dissatisfied with the decision of the Chief Physical Planning Officer may appeal in accordance with the procedure outlined in the Development Control and Planning Act of 2000.

120. Application of other enactments.

Nothing in this Part exempts a developer, whether recommendation for approval has been granted under this Part, from the requirements imposed by any other law having regard to the proposed development activity or undertaking.

121. Strategic Environmental Impact Assessment.

Where it appears to the Director that a proposed policy, plan or programme or an alteration to an existing policy, plan or programme by a Ministry, Department of Government or statutory body may have a significant negative impact on the environment, the Director shall –

(a) inform the Permanent Secretary assigned to the Ministry with responsibility for the Environment of these concerns;

(b) request the Permanent Secretary to the Ministry with responsibility for the Environment to send a letter to the Permanent Secretary of the Ministry or Department of Government or to the Chairman of the Board of the Statutory Body outlining the concerns of the Director; and

(c) request the Ministry, Department of Government or statutory body to carry out a strategic environmental impact assessment of the proposed policy plan or programme or the proposed alteration to the existing policy plan or programme.

122. Guidelines.

The Director may issue guidelines for:

(a) procedures for screening for EIA and other environment reports by responsible Ministries, government agencies and statutory bodies;

(b) procedures for reviewing an Environmental Impact Assessment;

(c) procedures for implementing environment management or monitoring plans;

(d) procedures for focus reports on impact assessment on any part of the ecosystem or biodiversity.

PART XV
NATIONAL ENVIRONMENT FUND

123. Establishment and purpose of Fund.

(1) There shall be established the National Environment Fund.

(2) The purpose of the Fund will be to provide a sustainable source of financing to support environmental management programmes and initiatives for the conservation and management of the environment in Saint Christopher and Nevis.

(3) The Fund shall be established within 12 months of the effective date of this Act.

(4) The Fund may consist of the following:

(a) moneys appropriated by Parliament;

(b) all moneys given by way of gift, donation, endowments, bequests or other contribution from sources other than public funds;

(c) grants made by regional and international organizations;

(d) moneys generated from fines imposed under this Act;

(e) any interest accrued to the Fund.

(5) Contributions to the Fund may be designated for specific purposes or made subject to specific conditions, in which case such contributions shall be preserved and utilised solely for the designated purpose.

PART XVI
INTERNATIONAL CONVENTIONS

124. Conventions to have force of law.

The International Conventions specified in the Second Schedule shall have the force of law in Saint Christopher and Nevis.

125. Regulations and other matters relating to implementation.

(1) Without prejudice to the generality of section 123, the Minister may make Regulations including the creation of offences to give effect to the International Conventions specified in the Second Schedule and may designate persons to issue certificates or permits

to implement the Conventions or to carry out any other matter required for the implementation of the Conventions.

(2) Regulations made under subsection (1) shall be published in the Gazette and be laid before the National Assembly.

126. Minister may amend Second Schedule.

The Minister may, from time to time, add or remove any convention in the Second Schedule by way of Order which shall be subject to negative resolution of the National Assembly and shall be published in the Gazette.

PART XVII
MISCELLANEOUS

127. Powers of entry and search.

(1) An authorized officer may at any given time enter any premises or into any vehicle or on to any vessel for the purposes of carrying out any provision or requirement of this Act.

(2) A person authorized under subsection (1) to enter any premises shall, if so required by the owner or occupier of the premises, produce evidence of his or her authority before entering the premises.

(3) If the Department has reason to believe that a contravention of the provisions of this Act has occurred or is about to occur, an authorised officer may enter any premises under a warrant issued by a Justice of the Peace.

(4) In the course of any entry under this section, the authorized officer may carry out any inspection or survey, review and copy any documents or other records, take photographs or other audio or visual recordings, and take samples of air, water, soil or other material found on or in the premises, vehicle or vessel.

(5) When a sample is taken pursuant to subsection (4), the person taking the sample shall:

(a) notify the person in charge of the premises, vehicle or vessel from which the sample was obtained of his or her intention to submit the sample for analysis or examination;

(b) retain one of the parts for future comparison or verification; and

(c) submit the sample for analysis or examination as soon as may be practicable.

(6) A person who obstructs a person acting in the exercise of his or her power under this section commits an offence and is liable on summary conviction to a fine of thirty thousand dollars and imprisonment for 12 months.

128. Service of documents.

(1) Subject to the provisions of this section, any notice or other document required or authorized to be served under this Act, or under any regulation, order, direction or other instrument in writing made under this Act, may be served either:

(a) in the case of a natural person:

(i) by delivering it directly to the person on whom it is to be served; or

(ii) in a case where an address for service has been furnished by the person on whom it is to be served, by delivering it or sending it by registered mail to that person at that address; or

(iii) by such means of substituted service as are recognised or authorized by the Rules of the Eastern Caribbean Supreme Court; and

(iv) in the case of an incorporated company or body, by serving it in accordance with the process for effecting service on a body corporate under the Companies Act, Cap. 21.03.

(2) Where the Notice or other document is:

(a) required or authorized to be served on any person as having an interest in any building or land, and the name of that person cannot be ascertained after reasonable enquiry, or

(b) required or authorized to be served on any person as an owner or occupier of premises;

(c) the Notice or other document is deemed to be duly served if, being addressed to "the owner" or "the occupier" of the specified premises, it is:

(i) delivered or sent to the premises by registered mail and is not returned to the sender; or

(ii) is affixed conspicuously to some building or fixed object on those premises.

(3) Where a notice or other document to be served under this Act shall be served on more than one person, the fact that it was not duly served on any of those persons does not invalidate any action or other proceedings against any other of those persons.

129. Offences.

(1) No person shall contravene any provision of this Act or of any regulations or rules, or the terms and conditions of any permit or licence granted or agreement made, under this Act.

(2) Unless a different or other penalty or punishment is specifically prescribed, a person who contravenes subsection (1) commits an offence against this Act and is liable on summary conviction to:

(a) a fine not exceeding fifty thousand dollars or imprisonment for three months for a first offence; or

(b) to a fine not exceeding one hundred thousand dollars or imprisonment for one year for a second or further offence; and

(c) in the case of a continuing offence, to a further penalty of five hundred dollars for each day during which the offence continues.

(3) In addition to any penalty which the court may impose pursuant to subsection (2), the court may also order a person convicted of an offence under this Act to

remedy any environmental condition or damage to the environment arising out of the offence and specify a date by or before which such remedial activities shall be completed.

(4) If an offence is committed by a body corporate and is proved to have been committed with the consent or connivance of any director, manager, secretary or similar officer of that body corporate, or who was purporting to act in that capacity, that person may be found personally liable for the offence, as well as the body corporate.

(5) Nothing in this Act may be construed to prevent anyone being prosecuted under any other law for an act or omission which constitutes an offence under this Act, or from being liable under that other law to any higher punishment or penalty than is provided by this Act.

130. Regulations.

(1) The Minister may make regulations, for giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for:

(a) the form of any application, notice or other document required to be made, issued or served under this Act;

(b) the payment of fees or any other charges payable under this Act;

(c) the amendment, variation or revocation of the Schedules to this Act;

(d) the implementation of the Environmental Conventions to which Saint Christopher and Nevis is a party;

(e) the designation, management, protection and control of protected species of fauna and flora;

(f) the regulation of trade in and transit, import, export and re-export of specimens of fauna and flora;

(g) the issue, grant, administration and enforcement of permits to fell, extract or remove timber or other forest produce;

(h) the designation of pollutants and criteria, procedures and protocols for measuring and monitoring pollutants;

(i) the designation and registration of existing sources that release any substance, thing or manmade phenomenon;

(j) the conduct and reporting of environmental audits.

(3) Regulations made under this Act may prescribe specific offences.

(4) Regulations made under this Act shall consider the objects, purposes and guiding principles set out in section 3 of this Act.

131. Limitation of personal liability.

No person authorized by or under this Act to carry out any function or exercise any power or perform any duty shall be held personally liable in any court for or in respect of any act or matter done, or omitted to be done, in good faith in the exercise or discharge of that function or power or duty.

132. Reservation of civil remedies.

Nothing in this Act takes away or interferes with the right of the Crown or any other person to sue for and recover, at common law or otherwise, compensation for or in respect of damage or injury caused by an offence or breach under this Act.

133. Amendments, repeal and savings.

(1) The National Conservation and Environmental Protection Act, Cap. 11.03 is hereby repealed.

(2) In so far as anything done under the former Act could have been done under a corresponding provision of this Act, it is not invalidated by the repeal but has effect as if done under that provision.

(3) Where any written law or document refers expressly or by implication to the former Act, the reference shall be construed, except where the context otherwise requires as a reference to the corresponding provision of this Act.

(4) Every proceeding in respect of breaches of or offences committed against the former Act may be continued and completed:

(a) if the proceeding has been partly or wholly heard, as if the former Act were still in force; and

(b) in all other cases, as if the proceeding had been commenced under this Act.

134. Act binds the Crown.

This Act binds the Crown.

FIRST SCHEDULE.

(Section 43)

Description of Brimstone Hill Fortress National Park

All the lands, messuages, tenements, estates and hereditaments known as Brimstone Hill, including the fortifications and buildings thereon, situate in the Parish of Saint Thomas, Middle Island, in the Island of Saint Christopher, bounded on the North by Chalk Farm Estate, on the South by New Guinea Estate, on the East by Walk Estate, and on the West by Romney Ground Estate now part of Bourkes Estate, or howsoever otherwise the same may be abutted, bounded, known or described, together with all hedges, ditches, fences, ways, paths, passages, waters, drains, watercourses, woods, under woods, rights, lights, liberties, easements and appurtenances whatsoever to the said hereditaments and premises or any part thereof belonging or with the same now or heretofore held, used, occupied, or enjoyed, or reputed, or known as part and parcel thereof, or appurtenant thereto.

SECOND SCHEDULE

(Section 124)

INTERNATIONAL CONVENTIONS AND AGREEMENTS

1. Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973.
2. United Nations Framework Convention on Climate Change 1992.
3. United Nations Convention on Biological Diversity 1992.
4. Vienna Convention for the Protection of the Ozone Layer, 1985 and Montreal Protocol on Substances that deplete the Ozone Layer 1987.

5. Basel Convention on the control of transboundary movement of Hazardous Waste and their Disposal 1989.
6. Civil Liability Convention 1969.
7. International Oil Pollution Compensation Fund Convention 1971.
8. The Escazu Agreement.
9. Cartegena Convention on the Protection and Management of the Wider Caribbean.
10. United Nations Convention to Combat Desertification.
11. Stockholm Convention on Persistent Organic Pollutants.
12. Rotterdam Convention on Prior Informed Consent.
13. MARPOL – International Convention for the Prevention of Pollution from Ships.
14. United Nations Convention on the Law of the Sea.

THIRD SCHEDULE

(section 51)

List of protected animals and plants

PART 1 – ANIMALS

Common Name	Species	Notes
Mammals		
All Marine Mammals in St. Kitts and Nevis waters including all cetaceans		
Humpback Whale	Megaptera novaengliae	
Deer	Odocoileus virginianus	White tail deer
Bats in the wild		
Lesser Antillean Funnel-Eared Bat	Natalus stramineus stramineus	
Insular Single Leaf Bat	Monophyllus plethodon	
Lesser Antillean Fruit Bat	Natalus stramineus	
Greater Bulldog Bat/Greater Fishing Bat	Noctilio leporinus	
Mexican Free Tailed Bat	Tadarida brasiliensis	
Jamaican Fruit Bat	Artibeus jamaicensis	
Birds		
All migratory and native Species including any endemics		
St. Kitts Bullfinch	Melopyrrha grandis	
Piping Plover	Charadrius melodius	
Roseate Tern	Sterna dougallii	
Least Tern	Sternata antillarum	
White-crowned Pigeon	Columba leucocephala	
Ruddy Quail-Dove	Geotrygon montana	
Bridled Quail –Dove	Geotrygon mystacea	
Scaly-naped Pigeon	Patagioenas squamosa	

Blue-hooded Euphonia	Euphonia elegantissima	
Lesser Antillean Flycatcher	Myiarchus oberi	
Magnificent Frigatebird	Fregata magnificens	
Brown Pelican	Pelecanus occidentalis	
Brown Trembler	Cinclocerthia ruficauda	
White Cheek Pintail	Anas bahamensis	
Little Egret	Egretta garzetta	
Antillean Crested Hummingbird	Orthorhyncus cristatus	
Mangrove Cuckoo	Coccyzus minor	
Red Billed Tropic Bird	Phaethon aethereus	
Little Blue Heron	Egretta caerulea	
Green-throated Carib	Eulampis holosericeus	
Purple-throated Carib	Eulampis jugularis	
Tropical mockingbird	Mimus gilvus	
ALL nesting terns and seabirds		
Reptiles		
Green Turtle	Chelonia mydas	
Hawksbill Turtle	Eretmochelys imbricata	
Loggerhead Turtle	Caretta caretta	
Leatherback Turtle	Dermochelys coriacea	
Olive Ridley	Lepidochelys olivacea	
Kemp's Ridley	Lepidochelys kempii	
Arthropods (Insects, Spiders, beetle)		
Racquel's Ground Beetle	Platynus racquelae	St. Kitts

DuPorte's Ground Beetle	Platynus duportei	Nevis

PART 2 – PLANTS

Species	**Family**	**Common Name**	**Notes**
Ferns			
All native fern species	Pteridophyta	Ferns	This covers all ferns in the wild.
Orchids			
All native orchid species	Orchidaceae	Orchids	This covers all orchids in the wild.
Palm Trees			
All native palm species.			This covers most palms in the wild but excludes *Cocos nucifera* (coconut) and *Phoenix dactylifera* (date palm)
Acrocomia American (Jacq.) Lodd	Arecaceae	Macaw Palm	
Coccothrinax barbadensis	Arecaceae	Palmetto Palm	
Rpystonea oleracea O.F.	Arecaceae	Cabbage Palm	
Thrinax morrisii H. Wendl.	Arecaceae	Pimetta Palm	
Bromeliads			
All native Bromeliads	Bromeliaceae	Bromeliad, man-pon- tree	This covers all Bromeliads in the wild.

Agaves **All native Agaves. This covers all Agaves in the wild.**		
Agave karatto Miller	Agavaceae	Dagger
Agave dussiana Trel.	Agavaceae	Dagger
Furcraea American (P. Mill.) Ait. F.	Agavaceae	Dagger
Mangroves		
All mangrove species including:		
Avicennia germinans (L.) L.	Acanthaceae	Black Mangrove
Avicennia schaueriana	Acanthaceae	Black Mangrove
Conocarpus erectus L.	Combretaceae	Button Mangrove
Laguncularia racemosa	Combretaceae	White Mangrove
Rhizophora mangle L.	Rhizophoraceae	Red Mangrove
Cacti		
All cacti species including: This covers all cacti in the wild except for the edible prickly pear, Opuntia cochenelifera		
Acanthocereus tetragonus (L.) Humm	Acanthocereus tetragonus (L.)	
Hylocereus Trigonus (Haw) Saff	Cactaceae	Creeping cactus
Mammillaria nivosa Link ex Pfeiff.	Mammillaria nivosa Link ex Pfeiff.	Mammillaria nivosa Link ex Pfeiff.
Melocactus intortus (Mill.) Urb.	Cactaceae	Turk's cap cactus
Opuntia currassavica (L.) Miller	Cactaceae	
Opuntia dillenii (Ker Gawl.) Haw.	Cactaceae	

Opuntia rubescens Salm-Dyck Ex DC	Cactaceae	Tree cactus
Opuntia triacantha (Willd.)	Cactaceae	

Pilosocereus royenii (L.) By & Row.	Cactaceae	Dul dul
Rhipsalis baccifera (J. S. Miller) Stearn	Cactaceae	
Mistletoes		
Hemi-parasitic mistletoes including:		
Dendropemon caribaeus Krug & Urb.	Loranthaceae	Caribbean mistletoe
Psittacanthus martinicensis (Presl) Eichler	Loranthaceae	Man 'pon tree
Phoradendron trinervium (Lam) Griseb.	Santalaceae	Angled mistletoe
All very large trees		
All trees with a girth in excess of 180 cm		
All IUCN Red Listed Species inc:		
Guaiacum officinale L.	Zygophyllace	Lignum Vitae
Cedrela odorata L.	Meliaceae	Red cedar
Schoepfia arenaria Britt.	Olacaceae	
Tabernaemontana citrifolia	Apocynaceae	Milky Bush
Swietenia mahagoni (L.)	Meliaceae	W.I. mahogany
National Endemics/near-Endemics		
Pectis ericifolia Keil	Asteraceae	
Jacquemontia ovalifolia	Convolvulac	

Regional Endemic Monocots		
Anthurium grandifolium (Jacq.) Kunth	Araceae	
Smilax coriacea Spreng.	Smilacaceae	Greenbriar
Smilax guianensis Vitman	Smilacaceae	
Heliconia bihai (L.) L.	Heliconeaceae	Wild plantain
Heliconia caribaea Lam.	Heliconeaceae	Lobsterclaw
Regional Endemic Dicots		
Hedyosmum arborescens	Chloranthacea	Cigarbush
Peperomia myrtifolia (Vahl) A. Dietr.	Piperaceae	Myrtle-leaf peperomia
Piper dussii C. DC.	Piperaceae	
Aristolochia rugosa Lam.	Aristolochiace	
Hernandia 150meric L.	Hernandiaceae	Mago, Jack-in-the-box
Cinnamomum elongatum (Vahl ex Nees) Kosterm.	Lauraceae	Pitch-pine sweetwood
Ocotea leucoxylon (Sw.) de Laness	Lauraceae	Loblolly sweetwood
Ocotea patens (Sw.) Nees	Lauraceae	Capberry
Myrcia citrifolia (Aublet) Urban var. *imrayana*	Myrtaceae	Red birch, guava berry
Psiduim longipes (O. Berg) McVaugh var.	Myrtaceae	Mangrove berry
Henriettea triflora (Vahl)	Melastomatac	
Acacia muricata (L.)	Leguminosae	Spineless wattle
Albizia berteriana (DC.) M. Gomez	Leguminosae	
Ziziphus 150mericana150	Rhamnaceae	Ironwood

DC.		
Cecropia schreberiana	Moraceae	Trumpet tree
Croton betulinus M. Vahl	Euphorbiacea	Nanny bush
Sapium caribaeum Urban	Euphorbiacea	Milk tree
Ouratea guildingii (Planchon) Urban	Ochnaceae	
Byrsonima trinitensis Adr.	Malpighiacea	Tanning tree
Malpighia martinicensis	Malpighiacea	Wild cherry
Clusia rosea Jacq.	Clusiaceae	Pitch apple, autograph tree
Dacryodes 151meric Vahl	Burseraceae	Gommier
Zanthoxylum punctatum	Rutaceae	Ramgoat
Sterculia caribaea R. Br.	Sterculiaceae	Wild Mahot
Coccoloba x boxii Sandw.	Polygonaceae	
Marcgravia 151mericana	Marcgraviace	
Jacquinia berterii Sprengel	Theophrastac	
Ardisia obovata Ham.	Myrsinaceae	
Antirhea acutata (DC.)	Rubiaceae	Mutton polly
Antirhea coriacea (Vahl)	Rubiaceae	
Catesbaea melanocarpa	Rubiaceae	Black Berry
Genipa 151mericana L.	Rubiaceae	
Tabernaemontana citrifolia	Apocynaceae	Milky Bush
Brunfelsia 151mericana L.	Solanaceae	Lady of the night
Catalpa longissima (Jacq.) Dum. Cours.	Bignoniaceae	
Ambrosia hispida Pursh	Asteraceae	
Baccharis dioica Vahl	Asteraceae	

LANEIN BLANCHETTE
Speaker

Passed by the National Assembly this 31st day of October, 2025.

TREVLYN STAPLETON
Clerk of the National Assembly

GOVERNMENT PRINTERY
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