



SAINT VINCENT AND THE GRENADINES

ACT NO. 9 OF 1997

I ASSENT

DENNISTON BOBB
Deputy Governor-General
19th November, 1997

[L. S.]

AN ACT to provide for the establishment of Marine Parks and for other related matters.

[25th November, 1997.]

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines, and by the authority of the same, as follows:-

1. This Act may be cited as the Marine Parks Act, 1997. Short title
2. In this Act unless the context otherwise requires - Interpretation
 - "Board" means the Marine Parks Board established under section 3;
 - "fish" includes corals, shells, crustaceans, echinoderms and molluscs;
 - "fishing gear" includes a net, line, hook, float, barrel, buoy, cage, trap and spear gun;
 - "functions" include powers and duties;
 - "Marine Park" means a marine area including the sub-marine area thereof within the territorial waters of Saint Vincent and the Grenadines and any adjoining land or swamp area which forms within the area a single ecological entity or complemental ecological unit;
 - "Minister" means the Minister responsible for parks.
3. (1) There is hereby established a Board of management to be known as the Marine Parks Board. Establishment and constitution of Board
(2) The provisions of the Schedule shall apply in respect of the constitution of the Board and other related matters. Schedule

4. (1) The Board may employ persons for the effective management of Marine Parks.

(2) The functions of the Board shall be to -

- (a) issue permits;
- (b) preserve and enhance the natural beauty of Marine Parks;
- (c) promote scientific study and research in Marine Parks; and
- (d) regulate the use of Parks and to be responsible for zoning within the Parks.

5. The Minister may, by Order published in the Gazette, declare an area to be a Marine Park.

6. (1) While in a Marine Park a person shall not -

- (a) fish in the sea forming part of the Marine Park;
- (b) remove any object from the Marine Park;
- (c) remove or damage any facility or equipment including buoys;
- (d) damage or impair the growth of any flora or fauna;
- (e) by any negligent act or omission damage the substrata or cause pollution of the air or sea.
- (f) carry on any commercial activities except in an area designated for this purpose; or
- (g) do anything which is prohibited by this Act or Regulations to be done.

(2) Subsection (1) (a) and (b) shall not apply where the person has obtained prior permission from the Board.

(3) A person who contravenes this section commits an offence and is liable, on summary conviction, to a fine not exceeding five thousand dollars, or to a term of imprisonment not exceeding one year or to both the fine and the term of imprisonment and where equipment has been removed or damaged shall be liable for its replacement or repair.

(4) A person in breach of subsection (1) (f) shall in addition to the prescribed penalty be liable to have articles of trade and equipment confiscated.

(5) Nothing in subsection (3) prejudices any civil action which lies apart from that subsection in respect of a contravention of subsection (1).

7. The Chief Surveyor shall keep a map delineating each Marine Park established under this Act. Map

8. The Minister may make Regulations generally for the better carrying out of the provisions of this Act and in particular may make Regulations with respect to a Marine Park for - Regulations

- (a) the protection of flora and fauna;
- (b) its care, control and management;
- (c) the arrest of persons acting in breach of this Act and the search, seizure and confiscation of vessels and fishing gear and other prohibited equipment;
- (d) the regulation of its use and enjoyment by members of the public;
- (e) public rights of way over private property to allow access thereto;
- (f) the charging of fees for services provided;
- (g) entry into such Park;
- (h) fines and penalties in respect of offences committed therein;
- (i) the anchoring or mooring of boats in a Marine Park; and
- (j) the preparation of accounts and auditors report.

SCHEDULE (section 3)

MARINE PARKS BOARD

1. The Board shall comprise ten members appointed by the Minister by instrument in writing as follows - Constitution

- (a) the following four members who shall be ex-officio members -
 - (i) the Chief Fisheries Officer or his nominee;
 - (ii) the Director of Finance or his nominee;

- (iii) the Solicitor General or his nominee;
- (iv) the Commander of the Coast Guard or his nominee;
- (b) a person nominated by the Minister;
- (c) a person nominated by the Minister of Tourism;
- (d) a person nominated by the Saint Vincent National Trust;
- (e) a person nominated by the Hotel Association;
- (f) two persons nominated by Non-Governmental Organisations functional in the district where the Park is declared.

2. (1) The appointment of a member of the Board other than an ex-officio member, shall be for a period of three years but such member shall be eligible for re-appointment for a second term.

(2) A member of the Board other than an ex-officio member shall not hold office for more than two successive terms.

Chairman

3. (1) The Board shall appoint a chairman and a vice-chairman from among its members.

(2) The chairman, or in his absence, the vice-chairman shall preside at the meetings of the Board.

(3) In the absence of both the chairman and the vice-chairman, the members present and constituting a quorum shall elect a temporary chairman from among the members present.

(4) Subject to these Regulations, the Board may regulate its own proceedings.

Secretary

4. In the event that a member of the Board is temporarily unable to act on the Board, the Minister may appoint another person to act temporarily in place of that member.

Resignation

5. (1) A member of the Board may at any time resign his office by instrument in writing addressed to the chairman for submission to the Minister.

(2) Pursuant to subsection (1), the member shall cease to be a member of the Board from the date of the receipt of the instrument by the Minister.

(3) The Chairman may at any time resign his office by instrument in writing addressed to the Minister.

6. (1) Where there is a vacancy in the membership of the Board, the Minister shall appoint a new member in the same manner and from the same category of persons as the previous member was appointed. Vacancy
- (2) A vacancy in the Board shall not impair the right of the remaining members to act.
7. A member of the Board shall forfeit his office where the member is - Forfeiture of membership
- (a) unable to perform his functions due to infirmity of mind or body; or
 - (b) absent from three consecutive meetings without an excuse acceptable to the Board.
8. The Minister shall publish in the Gazette the names of the members of the Board as first constituted and at every subsequent change in membership. Publication
9. (1) The decisions of the Board shall be by a majority of votes of the members present at a meeting of the Board. Voting
- (2) In addition to an original vote, the chairman shall have a casting vote in any case in which the voting is equal.
10. The quorum of the Board at any meeting shall be five members of the Board. Quorum
11. The Minister shall prescribe the remuneration and other allowances payable to members of the Board. Remuneration
12. The expenses of the Board shall be defrayed - Expenses of the Board
- (a) for the first year of the coming into force of the Act out of such amount as may be provided by Parliament; and
 - (b) after the first year of the coming into force of the Act out of revenue collected by the Board;
 - (c) from any other money acquired by the Board from any other source.

Passed in the House of Assembly this 28th day of August, 1997.

J. THERESA ADAMS,
Clerk of the House of Assembly