

LAWS OF DOMINICA

NATIONAL PARKS AND PROTECTED AREAS ACT

CHAPTER 42:02

Act
16 of 1975
Amended by
54 of 1986
12 of 1990

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**Note
on
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

**Note
on
The Central Water Authority (Repeal and Vesting) Act, 1986.**

This Act has been repealed by the Water and Sewerage Act, Chap.43:40 (with savings).

See section 9 of the Water and Sewerage Act in so far as it may affect section 14 of this Act (that is the National Parks and Protected areas Act).

CHAPTER 42:02

NATIONAL PARKS AND PROTECTED AREAS ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 42:02

NATIONAL PARKS AND PROTECTED AREAS ACT

16 of 1975. **AN ACT respecting national parks and protected areas for Dominica.**

Commencement. [14th August 1975]

Short title. **1. This Act may be cited as the –
NATIONAL PARKS AND PROTECTED AREAS ACT.**

Interpretation. **2. In this Act –
“Council” means the National Parks Advisory Council established
under section 8;**

**“State lands” means lands belonging to the State or of which the
Government of Dominica has power to dispose, including any
waters on or flowing through the said lands and the natural
resources of the said lands;**

**“Director” means the Director of National Parks appointed pursuant to
section 7 (1);**

19 of 1986. **“Government” means the Government of Dominica in its capacity as
water authority referred to in section 3 of the Central Water
Authority (Repeal and Vesting of Property) Act, 1986*.**

**“Minister” means the Minister responsible for the national parks sys-
tem;**

“national parks system” means the lands described in section 3 (1);

“park” means any national park of Dominica;

**“park warden” means a person appointed as park warden pursuant to
section 7 (1);**

“plan” means a plan described in section 11;

“protected area” means any State lands set apart under section 5.

Lands dedicated
to the people of
Dominica. **3. (1) All lands in the parks and all lands set apart as protected
areas shall constitute the national parks system and are hereby vested in
the State and dedicated to the people of Dominica for their benefit,
education and enjoyment.**

*See note on page 2.

(2) Notwithstanding any other Act, the lands within the national parks system shall be maintained and made use of so as to leave them unimpaired for the enjoyment of future generations.

(3) The Minister shall have the administration, management and control of the national parks system.

(4) For the purposes of the administration, management and control of the national parks system, the Minister may borrow money and any money borrowed pursuant to this subsection shall be secured and repayable out of the consolidated fund.

4. (1) Subject to subsection (3), the lands described in the Schedule constitute the national parks of Dominica. National parks.

(2) The President may by Order –

(a) add to any park any State lands and any lands leased to the State; and

(b) amend the Schedule by altering the description of the park therein to include any lands, added to a park pursuant to paragraph (a) and any lands so added may be contiguous to or separate from the park. Power to add to park.

(3) Upon expiry of the term of any lease to the State of any lands added to a park pursuant to subsection (2)(a), such lands shall cease to be part of the park and the President may thereupon by Order amend the Schedule by altering the description of the park therein to exclude such lands. Leased land excluded upon expiry of lease.

5. The Minister may by Order set apart any State lands as a protected area for the purpose of – Protected area.

(a) preserving the natural beauty of such area, including flora and fauna thereof;

(b) creating a recreational area;

(c) commemorating an historic event of national importance; or

(d) preserving any historic landmark or any area or object of historic, pre-historic, archaeological or scientific importance.

6. (1) Except as provided by this Act, no State lands within the national parks system shall be granted, sold or otherwise disposed of and no person shall settle, use or occupy any lands within the national parks system. No sale or occupation of lands in national parks.

(2) No right, title or interest in or to any lands within the national parks system may be acquired by any person by prescription.

(3) The Minister, may, subject to such terms and conditions as he thinks fit, with respect to any State lands within the national parks system grant –

(a) any right of way necessary for the construction and maintenance of any roads or for any public utility; and

(b) any lease, licence or agreement of occupation for locating and maintaining any exchange, office, sub-station or other necessary installation connected with any public utility.

Director and staff
of national parks.
[12 of 1990].

7. (1) There shall be a Director of national parks, who shall exercise administrative control of the other persons appointed under this subsection and of the superintendents of parks, park wardens and such other officers and employees as are necessary for the proper administration of the national parks system.

(2) The Director of national parks, the superintendents of parks, the park wardens and such other officers and employees appointed pursuant to subsection (1) constitute the National Parks Service.

(3) The Director may employ such casual workers as he considers necessary for the administration of the national parks system, in keeping with such terms and conditions for their employment as may be provided by the Minister.

National Parks
Advisory
Council.

8. (1) There shall be a Council, to be known as the National Parks Advisory Council, consisting of –

(a) the person from time to time holding the office of Director of national parks; and

(b) three members appointed by the Minister;

(c) one member appointed by the Minister on the recommendation of the Dominica Conservation Society.

(2) Each member of the Council appointed under subsection (1)(b) shall hold office during pleasure for a term not exceeding three years and is eligible for re-appointment.

(3) Any person appointed as a member of the Council under subsection (1)(b) shall, as far as is reasonably practicable, be qualified to act as member of the Council by reason of his interest, training or occupation.

9. (1) The Director shall be the Chairman of the Council, but in the event of his absence or incapacity or if the office of the Director is vacant, the other members of the Council shall elect one of their number to act as Chairman for the time being.

Director to serve as Chairman of Council.

(2) Each member of the Council, other than the Director, shall be paid such fees and expenses for attendance at meetings of the Council as may be authorised by law.

(3) Three members constitute a quorum of the Council.

10. (1) The Council shall advise the Minister on matters relating to the administration, management and control of the national parks system and any other matters related to the national parks system that he may refer to it.

Function of Council.

(2) The Director shall furnish to the Council all information necessary for it to carry out its functions under this Act.

11. (1) The Director may, with respect to any area within the national parks system, prepare a plan of management for submission to the Minister.

Preparation of plan of management.

(2) A plan shall contain a scheme of operations, not inconsistent with the purposes of this Act, that it is proposed to undertake in respect of the area within the national parks system to which the plan relates.

(3) Where the plan affects or is likely to affect any work or undertaking of the Government, the Director shall refer the plan to the Government for its comments and recommendations.

(4) If the Minister proposes to adopt a plan, he shall cause a notice of the plan to be published in the *Gazette* specifying –

(a) the address of the place where the plan may be inspected; and

(b) the address to which representations respecting the plan may be sent.

(5) Within one month of publication of a notice as required by subsection (4) or within such longer period as may be specified in the notice, any person may send representations respecting the plan to the address specified in the notice.

Director to refer
plan to Council.

12. (1) Upon expiration of one month from the day of publication of a notice referred to in section 11 (4), or such longer period as may be specified in the notice, the Director shall refer to the Council the plan to which the notice relates, any comments and recommendations from the Government and any representations that he has received from any person with respect to the plan.

(2) The Council shall consider the plan and the comments, recommendations and representations, if any, that have been referred to it under subsection (1) and, upon completion of its considerations, shall transmit the plan together with its recommendations to the Minister.

(3) Upon receipt of the recommendations of the Council the Minister may –

- (a) adopt the plan, with such modifications, if any, as he considers necessary in the light of any recommendations made by the Council; or
- (b) refer the plan back to the Director for further consideration and re-submission to the Minister upon such terms and conditions as he considers necessary.

(4) Upon re-submission of a plan pursuant to subsection (3)(b), the Minister may adopt the plan, with such modifications, if any, as he considers necessary.

Amendments or
substitution of
plans.

13. (1) Subject to subsection (2), the Minister may amend or cancel any plan or substitute a new plan for an existing plan.

(2) Where, pursuant to subsection (1), the Minister proposes to make a major amendment to a plan or substitute a new plan, he shall instruct the Director to prepare an amended plan or a new plan, as the case may be, and subsections (3), (4) and (5) of section 11 and section 12 shall apply, with such modifications as the circumstances require.

(3) Where a plan is in force in relation to any area within the national parks system –

- (a) the area shall be operated in accordance with the plan; and
- (b) no activity contrary to the plan shall be carried out in the area.

Government to
continue
operations.
[12 of 1990].

14. (1) Subject to this section, Government in its capacity as water authority, may continue to operate, manage and maintain any work or undertaking in existence upon the coming into force of this Act in any area of the national parks system.

(2) For the purposes of constructing any new work or undertaking authorised by the Central Water Authority (Repeal and Vesting of Property) Act or extending any existing work or undertaking within the national parks system, the Minister may enter into an agreement with the Government in its capacity as water authority and thereupon the Government in its capacity as water authority may carry out such construction or extension subject to such terms and conditions as are specified in the agreement.

Agreement.
19 of 1986.

(3) The Government in its capacity as water authority may continue to exercise its powers, duties and functions under the Central Water Authority (Repeal and Vesting of Property) Act in relation to any work or undertaking authorised by that Act in any area of the national parks system but in the exercise of those powers, duties and functions it shall follow any directions given by the Minister for the purpose of the preservation and conservation of any area of the national parks system.

15. (1) Subject to this section, the Company referred to in the Electricity Supply Act (hereinafter referred to as the "Company") may continue to operate, manage and maintain any work or undertaking authorised by that Act and in existence upon the coming into force of this Act in any area of the national parks system.

Hydro-electric
projects.
Ch. 43:70.

(2) For the purpose of constructing any new work or undertaking authorised by the Electricity Supply Act or extending any existing work or undertaking within the national parks system, the Minister may enter into an agreement with the Company and thereupon the Government may carry out such construction or extension subject to such terms and conditions as are specified in the agreement.

Agreements.

(3) The Company may continue to exercise its powers and functions under the Electricity Supply Act in relation to any work or undertaking authorised under that Act in any area of the national parks system but in the exercise of those powers and functions it shall follow any directions given by the Minister for the purpose of the preservation and conservation of any area of the national parks system.

Powers and
functions of the
Company.

16. (1) The Minister may, with respect to the national parks system, make Regulations for carrying out the purposes of this Act and, without limiting the generality of the foregoing, may make Regulations providing for –

Regulations.
[12 of 1990].

- (a) the preservation of the flora and fauna;
- (b) the regulation and prohibition of hunting and fishing;

- (c) the preservation and maintenance of water supplies and any water catchment area;
- (d) granting of leases and licences of occupation upon State lands within the national parks system for the purpose of providing accommodation and other services to visitors to the national parks system;
- (e) the prevention of squatting, trespass or encroachment;
- (f) the prevention of soil erosion, landslides, the formation of ravines and torrents and the deposit of mud, silt, stones and other material in any water;
- (g) the prevention and control of fire;
- (h) the making of surveys of lands and the protection of boundary and survey marks;
- (i) the entry and control of movement of persons and animals;
- (j) the construction, maintenance, operation and administration of roads, ways, public works and utility services;
- (k) the regulation and control of transportation within the national parks system;
- (l) the regulation and control of any trade, occupation or business within the national parks system;
- (m) the regulation and control of development, construction and building within the national parks system; and
- (n) the charging of fees.

(2) Notwithstanding paragraph(c) of subsection (1), any regulation made under that paragraph that affects or is likely to affect any work or undertaking of the Government shall only be made after consultation with the Government.

(3) Notwithstanding paragraph (d) of subsection (1), no lease or licence of occupation may be granted in any area of the national parks system where such lease or licence or the grant thereof is contrary to or inconsistent with a plan in force in respect of that area.

Powers of park wardens and police officers.

17. (1) A park warden or police officer may –

- (a) interrogate any person found in possession of any flora, fauna, game or fish;

- (b) call upon any person to produce any licence or permit required by the Regulations;
- (c) whenever he reasonably suspects any person of having contravened this Act or the Regulations in relation to any flora, fauna, game or fish, search the person or property of that person or any property in that person's possession or control;
- (d) seize any flora, fauna, game or fish that he reasonably suspects has been obtained or removed in contravention of this Act or the Regulations;
- (e) seize and detain any property that he reasonably suspects has been used to commit an offence against this Act or the Regulations;
- (f) arrest any person that he reasonably suspects of being concerned in a contravention of this Act or the Regulations and who refuses to give his name and address or who gives a name and address that he reasonably believes to be false;
- (g) arrest any person that he reasonably suspects of being concerned in a contravention of this Act or the Regulations if he has reason to believe that such person will abscond.

(2) Where any thing has been seized by a park warden or a police officer pursuant to subsection (1), it shall, without undue delay, be taken before a Magistrate who may, upon satisfactory proof that the thing was in possession of the person from whom it was seized in contravention of this Act or the Regulations, order the thing to be forfeited to the State and upon making such order the thing is forfeited and may be disposed of at the direction of the Director.

18. (1) Any person who assaults or obstructs a park warden or any person assisting a park warden in the execution of his duty under this Act is liable on summary conviction to a fine of three hundred and fifty dollars and to imprisonment for three months.

Obstructing a
park warden.

(2) Any person who hunts, traps or kills any animal within the national parks system is liable on summary conviction to a fine of three hundred and fifty dollars and to imprisonment for three months.

(3) Any person who contravenes any provision of the Regulations is liable on summary conviction to a fine of three hundred and fifty dollars and to imprisonment for three months.

SCHEDULE

DESCRIPTION OF BOUNDARIES OF NATIONAL PARK

- NORTH:** From a common boundary point of the Middleham and Castleton Estates, then it runs in a north-easterly direction along the boundary of Castleton Estate for a distance of 3,500 feet to the Pont Casse Settlement; thence along the boundary of the Pont Casse Settlement for a distance of 13,000 feet to the Rosalie Public Road at William; then the public road to the stream forming the Emerald Pool; then along the said stream up to the southern boundary of Lot 11 in the William Settlement; then along the southern, eastern and northern boundaries of Lot 11 to the tract known as the French Trail; then along the French Trail in an easterly direction to the Castle Bruce Public Road. From here, the boundary follows the Castle Bruce Road to the junction of this road with the Rosalie Road; thence along the western boundary of the Petite Terre Ferme Settlement to the South Branch of Ravine Deux Dleau; thence along Ravine Deux Dleau; thence along the western boundary of the Grand Terre Ferme Settlement; thence along the southern boundary Grand Terre Ferme Settlement; thence along the southern boundary of Newfoundland Estate to a point known as Decouvert.
- EAST:** From Decouvert, the boundary follows a grid bearing of 179° 15' for distance of 500 feet; thence along a bearing of 234° 00' for a distance of 8,800 feet; thence a bearing of 120° 50' for a distance of 3000 feet; thence a bearing of 130° 30' for a distance of 4,500 feet; thence a bearing of 168° 10' for a distance of 2,100 feet; to a point near the Waynari River. From this point the boundary runs at a bearing of 258° 30' for a distance of 1,100 feet; thence a bearing of 242° 10' for a distance of 900 feet; thence a bearing of 126° 00' for a distance of 600 feet; thence a bearing of 91° 30' for a distance of 1,200 feet; thence a

bearing of 160° 00' for a distance of 1,200 feet; thence a bearing of 124° 50' for a distance of 5,400 feet to a peak known as Plaisance. From this point the boundary continues to a bearing of 191° 15' for a distance of 4,800 feet; thence at a bearing of 217° 00' for a distance of 1,600 feet; thence a bearing of 103° 40' for a distance of 3,000 feet; thence a bearing of 194° 00' for a distance of 2,000 feet; thence a bearing of 295° 30' for a distance of 6,500 feet; thence a bearing of 240° 50' for a distance of 1,200 feet; thence a bearing of 180° 00' for a distance of 3,500 feet; thence a bearing of 268° 45' for a distance of 5,000 feet; thence a bearing of 179° 00' for 3,200 feet; thence a bearing of 115° 45' for 900 feet; thence a bearing of 87° 00' for a distance of 1,700 feet; thence a bearing of 106° 00' for 7,300 feet; thence a bearing of 169° 10' for 6,500 feet along the western boundary of Pointe Mulatre Estate to Morne Paix Bouche.

SOUTH: From Morne Paix Bouche, the Boundary continues to a bearing of 271° 10' for 10,600 feet to the heights of Stowe Estate; then along a bearing of 337° 30' for 6,000 feet; thence 303° 10' for 1,900 feet; then 266° 30' for 3,000 feet; thence 260° 30' for 8,500 feet to a point in the Gommier Letang area.

WEST: From a point in the Gommier Letang area to a bearing of 20° 40' through the Paradise area for a distance of 6,200 feet; then a bearing of 49° 00' for 1,700 feet; then 87° 40' for a distance of 4,600 feet; thence a bearing of 357° 45' for 1,600 feet; thence 55° 50' for a distance of 3,800 feet; thence a bearing of 333° 10' for 4,900 feet; then a bearing of 15° 35' for 6,600 feet; thence 332° 00' for 1,400 feet; then 233° 30' for 1,200 feet; then 242° 20' for 1,700 feet; then 276° 15' for 1,700 feet; then 334° 50' for 4,200 feet; thence along the eastern boundary of Middleham Estate for a distance of 11,000 feet to a common boundary point of Middleham and Castleton Estates.

The area enclosed comprises 15,964 acres and excludes approximately 40 acres of private land situated north of the Fresh Water Lake and owned by Mrs. S. Allfrey, Peter Dupigny, James Corriette and Joacinth Sansan.

CABRITS NATIONAL PARK

Description of boundaries of the Cabrits National Park situated in the Parish of St. John –

NORTH-WEST: From (A) the mouth of the Lammouthe River, the boundary follows a straight line to a point (B) $15^{\circ} 35' 40''\text{N}$, $61^{\circ} 29' 30''\text{W}$, approximately 2,00 feet West of the northern tip of the Cabrits peninsula.

WEST: From the point (B), the boundary follows a line due south to a point (C) with a location $15^{\circ} 34' 40''\text{N}$, $61^{\circ} 29' 30''\text{W}$, approximately 2,000 feet to the west of the southern tip of the Cabrits peninsula.

SOUTH: From the point (C) the boundary travels due east to a point (D) $15^{\circ} 34' 40''\text{W}$, then approximately 1,350 feet due North to the point (E) the boundary marker at the south-western corner of the lands of Alfred Eckart.

EAST: From the point (E), which is the boundary marker at the southwestern corner of the lands of Alfred Eckart, the boundary follows in a northerly direction the western boundary of the lands of A. Eckart then along the northern boundary of the said lands at the bearing of $89^{\circ} 32' 12''$ for a distance of 1,465.3 feet to the Portsmouth-Capuchin Road. From here, the boundary follows the Portsmouth-Capuchin Road in a northerly direction for a distance of 1,675.8 feet along the road to the boundary marker at the southern corner of the lands of R. H. Lockhart. From this point the boundary follows a survey line at a bearing of $213^{\circ} 28' 28''$ for a distance of 155.2 feet, then the line $313^{\circ} 16' 55''$ for a distance of 222.3 feet; then the line of bearing $312^{\circ} 51' 57''$ for a distance of 130.8 feet along the western boundary of the private lands of R.H. Lockhart, to the coast. From here the boundary follows the high-water mark to the point (A), the mouth of the Lammouthe River.

The area enclosed comprises 1,313.2 acres and includes a marine area of 1,053.2 acres surrounding the Cabrits peninsula and up to the mouth of the Lammouthe River.
