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**FISHERIES (MARINE PROTECTED AREAS) REGULATIONS**

[SRO 78 of 2001.]

[28th December, 2001.]

1. Citation

These Regulations may be cited as the Fisheries (Marine Protected Areas) Regulations.

2. Definitions

In these Regulations, unless this context otherwise requires—

“Authority” means the management authority described in regulation 3;

“charter vessel” means a vessel which performs day boat charters;

“dive vessel” means a vessel from which any kind of diving takes place;

“Harbour Master” means the Director of Maritime Services or other person responsible for controlling the mooring of vessels in a harbour;

“Management Committee” means the committee described in regulation 4;

“marine historical site” means the part or whole of a Marine Protected Area which contains structures, artefacts or human remains and which needs to be protected for its historical or cultural value;

“marine park” means that part of a Marine Protected Area which is reserved for public recreation;

“Marine Protected Area” means an area declared as such by the Minister by Order under section 23 of the Act and may be either a marine park, a marine reserve, a marine sanctuary or a marine historical site or a combination of any of those;

“marine reserve” means that part of a Marine Protected Area which requires special management for the purpose of protecting the natural resources it contains;

“marine sanctuary” means that part of a Marine Protected Area which is open only for the purpose of scientific study and research;

“qualified diver” means a member of the Grenada SCUBA Divers Association or of some other diving association approved by the Authority for the purpose of these Regulations;

“SCUBA” means self-contained underwater breathing apparatus;

“warden” means a marine park warden appointed or deemed to be appointed under regulation 21;

“yacht” has the same meaning as in the Yachting Act, Chapter 345;

“zone” means an area so designated under the Fisheries (Marine Protected Areas) Order.

### 3. Management Authority

(1) The Management Authority for Marine Protected Areas consists of—

(a)

the Manager of Marine Protected Areas; and

(b)

the Management Committee.

(2) Decisions of the Authority must be signified under the hand of the manager of Marine Protected Areas and the Chairperson or Deputy Chairperson of the Authority jointly.

(3) The Management Authority may have assigned to it such enforcement officers and other support staff as the Minister, if necessary after consultation with the Public Service Commission, considers appropriate.

#### 4. Management Committee

(1) The Management Committee for Marine Protected Areas consists of—

(a)

a representative of the Ministry of Finance;

(b)

a representative of the Ministry of Tourism;

(c)

a representative of the Board of Tourism;

(d)

a representative of the Ministry of Agriculture;

(e)

a representative of the Science and Technology Council;

(f)

a representative of the Grenada Coast Guard;

(g)

a representative of the Grenada Ports Authority;

(h)

a representative of the Marine and Yachting Association of Grenada;

(i)

a representative of the Grenada SCUBA Divers Association;

(j)

a representative of any non-governmental organisation which has a specialised interest in marine or environmental matters,

nominated by the respective body and appointed by the Minister.

(2) When making a decision about a particular area of water, the Management Committee must invite a member of the local community in that area to attend the meeting.

#### 5. Procedure of Management Committee

(1) The Minister, with the concurrence of the Cabinet, appoints the Chairperson and Deputy Chairperson of the Management Committee.

(2) The Management Committee conducts its business in accordance with normal procedures for such committees.

(3) The quorum for the Management Committee is three persons.

(4) The Management Committee's function is to advise the Management Authority on all matters which require to be decided by the Authority except day-to-day matters.

#### 6. General prohibitions in Marine Protected Areas

(1) A person who in a Marine Protected Area—

(a)

takes any animal or plant by any method on land or at sea, except to the extent permitted in any fishing zone;

(b)

destroys, damages or injures any animal or plant;

(c)

takes or damages any artefact;

(d)

removes sand, rock, coral or coral rag or any calcareous substance;

(e)

anchors a vessel except in an anchoring zone;

(f)

causes anchor damage to artefacts or to coral or reef structure living or dead or to associated marine plant or animal life;

(g)

moors a vessel other than at a buoy;

(h)

dives using SCUBA or snorkel equipment, unless the person is, or is under the supervision of, a qualified diver;

(i)

uses any vehicle, except as permitted in an access zone or parking zone;

(j)

uses jet skis or hovercraft;

(k)

uses water skis, except in a water ski zone;

(l)

dumps any refuse, abandoned vehicle, toxic or other waste, bilge, oil or other petroleum product, pesticide or any other item harmful to animals or plants, or any unsightly item, or substance which does or is likely to destroy or reduce amenities of the area;

(m)

erects any structure, except with the written permission of the Minister,

commits an offence.

(2) Subject to regulation 12, no person, other than a warden acting in the course of his or her duties, may use or have in his or her possession within a Marine Protected Area any firearm, air gun, spear gun or any other weapon, except that the owner of a yacht may carry a weapon

on board the yacht for the protection of the yacht or persons on board, in conformity with the Firearms Act, Chapter 105.

(3) Pedestrian access is prohibited in a Marine Protected Area except on routes designated by the Authority.

(4) A person who contravenes subregulation (2) or (3) commits an offence.

## 7. Marine parks

Subject to regulations 6 and 11, access to a marine park is open to all persons by land or sea.

## 8. Marine reserves

(1) Subject to regulations 6 and 11 and subregulation (2), access to a marine reserve is open to all persons by land but is prohibited by sea except with the written permission of the Authority.

(2) A person must not dive from the shore of a marine reserve except with the written permission of the Authority.

(3) Fishing from the shore or from a vessel is not permitted in a marine reserve.

(4) A person who enters a marine reserve by sea contrary to subregulation (1) or who contravenes subregulation (2) or (3) commits an offence.

## 9. Marine sanctuaries

(1) A marine sanctuary is a closed area except for purposes of research and as required by the Ports Authority.

(2) A person who—

(a)

enters a marine sanctuary except with the written permission of the Authority given on Form MPA 1; or

(b)

introduces into the marine sanctuary either temporarily or permanently any domestic animal or any other animal or plant not indigenous to the site,

commits an offence.

## 10. Marine historical sites

Subject to regulations 6 and 11, access to a marine historical site is open to all persons.

## 11. Zones

(1) The Authority may, by appropriate Notices in the *Gazette* and in a Marine Protected Area, designate within a marine park or marine reserve any or all of the following zones exclusively for the purposes specified—

(a)

access zones, in which—

(i)

access and egress to and from the shore by vessels and vehicles, other than those specifically prohibited for uses within the marine park or marine reserve, under regulation 17, are permitted for the purpose of launching, recovery, loading, unloading, embarkation and disembarkation of vessels,

(ii)

a vessel or vehicle speed in excess of 5 mph and access or egress other than at right angles to the shore line is prohibited;

(b)

anchoring zones, in which the anchoring of vessels is permitted;

(c)

aquatic sports zones, in which sailing, wind surfing, canoeing, kayaking, swimming, snorkelling, SCUBA diving from a vessel and other ancillary activities are permitted;

(d)

camping zones, in which camping is permitted;

(e)

fishing zones, in which commercial fishing in accordance with Part V of the Fisheries Regulations and recreational fishing from the shoreline or from piers or jetties or small drifting craft, using light tackle of not more than 30 pounds breaking strain, is permitted;

(f)

parking zones in which the parking of vehicles while in the proximity of a marine park, marine reserve or marine historical site is permitted;

(g)

swimming zones, in which—

(i)

bathing, swimming, snorkelling and SCUBA diving (other than from a vessel), beach games and other ancillary pursuits are permitted, but

(ii)

entry of any vessel, including an engineless vessel, is prohibited except for a rescue vessel, fisheries vessel or police vessel performing rescue or engaged in placing, repairing, replacing, or removing fixed buoys, provided that a vessel involved in such operations causes no unnecessary damage to the environment within the zone and leaves the zone upon completion of the operation within the zone;

(h)

training zones, in which the training of persons for SCUBA diving or snorkelling is permitted;

(i)

water-ski zones, in which (not less than 100 yards from the shoreline) the use of water ski and aqua-slide equipment for sport, and the transit of all vessels including engineless vessels is permitted.

(3) A person who in a Marine Protected Area—

(a)

does any thing outside a zone which is only permitted in the zone; or

(b)

does any thing in a zone which is prohibited in the zone,  
commits an offence.

## 12. Specimen and artefact collection

(1) Notwithstanding regulation 6 (General prohibitions), the Authority may grant a written permit to a person who is a bona fide scientist to collect—

(a)



animal and plant specimens within a marine reserve or marine sanctuary;

(b)

artefacts from a marine sanctuary or marine historical site.

(2) Specimens or artefacts collected under this Regulation must be collected and stored only by appropriate methods approved by the Authority.

(3) A permit is subject to any conditions specified in the permit relating to the maximum numbers of specimens or artefacts that may be so collected and the prohibition or restriction of their export.

(4) A person who contravenes subregulation (2) or the conditions of a permit granted under the Regulations commits an offence.

### 13. Dive vessels and charter vessels

(1) A person who wishes to operate a dive vessel or charter vessel within a Marine Protected Area must be in possession of a permit in Form MPA 3 granted by the Authority and permitting the vessel to operate within the Marine Protected Area.

(2) A permit must be applied for on Form MPA 2.

(3) A person who operates a dive or charter vessel within a Marine Protected Area when there is not in force for the vessel a permit granted under this Regulation commits an offence.

(4) A copy of a permit issued under this Regulation must be carried on the vessel to which it relates while the vessel is in a Marine Protected Area and must be produced for inspection by the master or other person in charge on demand made by any person empowered to enforce these Regulations.

(5) The Authority may cancel a permit if it is satisfied that the permittee has supplied false information to procure the issue of the permit or has committed a material breach of these Regulations or use a vessel or equipment which is unsafe or unlawful.

### 14. Return of dives, etc.

(1) Every operator of a dive or charter vessel must by the end of each month furnish the Authority with a return in Form MPA 6 for the previous month.

(2) For every dive conducted from a dive vessel in a Marine Protected Area and for every passenger carried on a charter vessel in a Marine Protected Area a fee is payable as specified in the Second Schedule.

(3) Every operator of a dive or charter vessel must send the fees to the Authority with the return required by subregulation (1).

(4) Failure to comply with subregulation (1) or (3) is an offence.

## 15. Buoys

(1) Subject to any relevant maritime legislation relating to buoys, no buoy may be installed in a Marine Protected Area except by the Authority.

(2) No buoy in a Marine Protected Area may be used except under a permit from the Authority in respect of it.

(3) The operator of a vessel who wishes to use a buoy in a Marine Protected Area must apply for a permit on Form MPA 4 and, in the case of a yacht, must pay the fee specified in the Second Schedule. The form of permit is as in Form MPA 5.

(4) The operator of a vessel who moors at a buoy in a Marine Protected Area except under and in accordance with a permit commits an offence.

(5) It is an offence to anchor within 300 feet of a dive site mooring buoy.

## 16. Vehicles and vessels

The Authority may, by Notice in the *Gazette*, specify any type or class of vessel or vehicle which is not permitted to enter a Marine Protected Area, for the purposes of these Regulations and the Act. A person in charge of a vessel or vehicle that enters a Marine Protected Area in breach of such a notice commits an offence.

## 17. Emergencies

(1) The prohibitions on entry, mooring or anchoring of a vessel in a Marine Protected Area imposed by these Regulations do not apply—

(a)

in an emergency;

(b)

during the currency of a hurricane warning; or

(c)

to a rescue vessel performing a rescue.

(2) The Authority may, in writing, approve any motor vessel to be used as a rescue vessel within any Marine Protected Area.

## 17. Emergencies

(1) The prohibitions on entry, mooring or anchoring of a vessel in a Marine Protected Area imposed by these Regulations do not apply—

(a)

in an emergency;

(b)

during the currency of a hurricane warning; or

(c)

to a rescue vessel performing a rescue.

(2) The Authority may, in writing, approve any motor vessel to be used as a rescue vessel within any Marine Protected Area.

## 19. Forms

The forms set out in the First Schedule are prescribed for use in connection with these Regulations.

## 20. Fees

The fees specified in the Second Schedule are prescribed in respect of the matters specified.

## 21. Enforcement

(1) Enforcement of these Regulations is the responsibility of—

(a)

marine park wardens appointed from among public officers by the Minister in writing after considering recommendations made by the Authority, or appointed as public officers by the Public Service Commission;

(b)

any police officer.

(2) Every person who is an authorised officer for the purpose of the Fisheries Act, Chapter 108, is deemed to be a marine park warden for the purpose of these Regulations.

(3) A marine park warden may—

(a)

enter all parts of a Marine Protected Area for the purpose of preventing the commission of an offence under the Act or these Regulations and arrest any person or persons committing any such offence;

(b)

seize any article, item or thing of whatever kind that the marine park warden reasonably suspects has been used in the commission of an offence under the Act or these Regulations until the determination of proceedings in respect of the offence.

## 22. Penalties

(1) A person who commits an offence under these Regulations is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for six months.

(2) If an offence is a continuing one, the person convicted of it is liable to a further fine not exceeding two hundred dollars for every day or part of a day on which the offence has continued after conviction.

(3) The court before which any person is convicted of an offence under this Regulation may order—

(a)

the forfeiture to the Government of any item, article or thing, other than a vehicle or vessel, used in the commission of the offence;

(b)

that the person so convicted pay the cost of repairing any damage to a Marine Protected Area caused by the commission of the offence.

(4) An article, item or thing forfeited pursuant to subregulation (3)(a) must be destroyed, unless the Minister directs that it be disposed of in some other specified manner.

(5) Section 34(b) of the Act (forfeiture of fish) applies to a conviction for an offence under these Regulations as it applies to a conviction for an offence under the Act.

First Schedule

*Forms*

FORM MPA 1

FISHERIES ACT

FISHERIES (MARINE PROTECTED AREAS) REGULATIONS

*Permit for Access to Marine Sanctuary*

[Regulations 9(2) and 19.]

Name

of

is hereby granted permission to enter the

Marine Sanctuary

between the following dates

and

subject to the provisions of the Fisheries (Marine Protected Areas) Regulations, 2001, and subject to the following conditions

Given this

day of  
, 20

THIS PERMIT MUST BE CARRIED AT ALL TIMES BY THE HOLDER WHILE EXERCISING THE PERMISSION GRANTED HEREBY.

*Manager Marine Protected Areas*

*FORM MPA 2*

FISHERIES ACT

FISHERIES (MARINE PROTECTED AREAS) REGULATIONS

*Application for Permit to Operate Dive/Charter Vessel in a Marine Protected Area*

[Regulations 13(2) and 19.]

Name

Address

Telephone Number

(If the applicant is an individual and not a national within the meaning of the Immigration Act, the applicant must provide details of his or her passport and immigration status in Grenada and particulars of his or her bank or a reference from a bank established in Grenada)

(If the applicant is a body corporate it must provide details of its incorporation and registered office and an agent resident in Grenada).

2.

Permit required

I/We hereby apply for a licence to operate a Dive/Charter vessel in the \_\_\_\_\_ in accordance with the provisions of the Fisheries (Marine Protected Areas) Regulations, 2001 for a period of 6 months/12 months.

3.

Particulars of Vessel to be used

(Give name and a call sign of the vessel and full details to show it is seaworthy and properly equipped).

4.

Particulars of crew

(Give name and qualification and address of master or other person in charge of vessel and all other regular crew members).

5.

Other information

(Any information offered to enable the Management Authority to satisfy itself as to the suitability of the applicant).

6.

Address for service

(If applicant is a body corporate, partnership or association of persons full details must be provided, including an address in Grenada for service of documents or notices).

*Signature [and common seal of a corporation] of applicant*

Dated the

day of  
, 20

*FORM MPA 3*

FISHERIES ACT

FISHERIES (MARINE PROTECTED AREAS) REGULATIONS

*Permit to Operate Dive/Charter Vessel*

[Regulations 13(1) and 19.]

\*

of  
is hereby  
in accordance with the Fisheries (Marine Protected Areas) Regulations, 2001  
subject to the following—

1.

**Particulars of vessel**

Type of vessel

Name/and Call sign

Number

Other identification

2.

**Period of Permit**

from

to

3.

**Permit to be carried on vessel**

A copy of the permit must be carried on the vessel to which it relates while the vessel is in a Marine Protected Area, and must be produced for inspection by the master or other person in charge on demand made by any person empowered to enforce the Fisheries (Marine Protected Areas) Regulations.

4.

**Cancellation of permit**

The Management Authority may cancel any permit if it is satisfied that the permittee has supplied false information to procure the issue of the permit or has committed a material breach of the Regulations or used any vessel or equipment which is unsafe or unlawful.

5.

**Inspection of permittee's records of operation**

The permittee must at all reasonable times allow any person authorised by the Management Authority to inspect any records kept by the permittee as to the dive or charter operations under the permit and in particular those records which are relevant to the calculation of the fees payable.

\*

A permit may be issued to an individual, a partnership, a body corporate or an association of persons. The permit should state the capacity or status of the holder and in the case of a body corporate should state the country in which it is incorporated.

Given this

day of

, 20

*Manager*  
*Marine Protected Areas*

*FORM MPA 4*

FISHERIES ACT

FISHERIES (MARINE PROTECTED AREAS) REGULATIONS

*Monthly Return of Number of Dive Charter Trips*

[Regulations 14(1) and 19.]

NAME OF OPERATOR

Name/recognition mark of vessel used

Month ended

, 20

**A.**

**In the case of a dive vessel**

Insert the total number of divers using each site during the month

Site

day  
No. of divers

Fees payable and remitted herewith

\$

**B.**

**In the case of a charter vessel**

Insert the total number of passengers carried during the months

Destination

day  
No. of passengers

Fees payable and remitted herewith

\$

Signed

(State position in case of a company)

Dated

*FORM MPA 5*

FISHERIES ACT

FISHERIES (MARINE PROTECTED AREAS) REGULATIONS

*Application to Use a Single User Buoy in a Marine Protected Area*

[Regulations 15(4) and 19.]

NAME

1.

ADDRESS

2.

TELEPHONE NUMBER

(If the applicant is an individual and not a citizen within the meaning of the



Immigration Act, the applicant must provide details of his or her passport and immigration status in Grenada and particulars of his or her bank or a reference from a bank which is established in Grenada)

(If the applicant is a body corporate it must provide details of its incorporation and registered office and an agent resident in Grenada).

3.

#### PARTICULARS OF THE MOORING BUOY TO BE USED

Location

Type

Colour

4.

#### PARTICULARS OF VESSEL

Name

Type

Colour

LOA

WOA

Depth

Draft

Power source

5.

#### PARTICULARS OF CREW

Names and addresses

Qualification of master or person in charge

6.

#### SECURITY FOR PAYMENT OF FEES (if vessel is a yacht)

(Security offered for payment of fees due in respect of operations by the Applicant under the lease).

7.

#### OTHER INFORMATION

(Any information offered to enable the Management Authority to satisfy itself as to the suitability of the applicant).

8.

#### ADDRESS FOR SERVICE

(If the applicant is a body corporate, partnership or association of persons full details must be provided, including an address in Grenada for service of documents or notices).

*Signature [and common seal of a corporation] of applicant*

Dated the

day of  
, 20

FISHERIES ACT

FISHERIES (MARINE PROTECTED AREAS) REGULATIONS

[Regulations 15(4) and 19.]

*Permit to Use a Single User Buoy in a Marine Protected Area*

Name of vessel

Location and identification of buoy

(Name)

of

(address)

is hereby permitted to moor the above-named vessel on the buoy specified above for a period of

days/weeks beginning on the

day of

, 20

, subject to

the Fisheries Act and the Fisheries (Marine Protected Areas) Regulations, 2001. The Management Authority does not accept any liability for any loss or damage caused to the vessel or any person or property on the vessel as a result of any defect in the buoy or its mooring equipment.

Dated

(*Issuer*)

Second Schedule

FISHERIES ACT

FISHERIES (MARINE PROTECTED AREAS) REGULATIONS

*Fees*

[Regulation 20.]

<i>Item</i>	<i>Fee</i>
Issue of a permit to enter a marine sanctuary	1. E.C. \$100
Renewal of a permit to enter	2. E.C. \$100
Permit to use a yacht buoy	3. U.S. \$10 or E.C. \$25 per day
SCUBA dive fee	4. U.S. \$10 or E.C. \$25 per year

Snorkel dive fee (payable in arrears) 5. U.S. \$1 or E.C. \$3 per day