

**NATIONAL PARKS AND PROTECTED AREAS ACT**

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CHAPTER 206

AN ACT to provide for the designation and maintenance of national parks and protected areas, and for connected purposes

Acts  
42 of 1990  
52 of 1991

[1st February, 1991\*]

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

Short title

2. In this Act—

Interpretation

“Council” means the National Parks Advisory Council established by section 8;

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

“Minister” means the Minister for the time being responsible for the national parks system;

“park attendant” means a person appointed a park attendant pursuant to section 7(1).

3. (1) The Government land from time to time added to a national park or declared to be a national park under section 4(1) or declared to be a protected area under section 5(1) shall become or, as the case may be, remain vested in the Governor-General for the public uses of Grenada as Government land and shall comprise the national parks system.

Creation,  
administration  
and main-  
tenance of  
the national  
parks system

(2) The Minister has responsibility for the administration of the national parks system and he shall discharge that responsibility through the National Parks Authority established by section 7.

\*Note: This Act is included in this Revised Edition by virtue of section 7(3)(a) of the Revision of the Laws Act, 1989.

(3) The National Parks Advisory Council has responsibility for the proper maintenance of the land comprising the national parks system and for ensuring that all such land endures unimpaired for the enjoyment of present and future generations.

(4) If the National Parks Development Fund is not able to provide money for the purpose of the proper discharge of his responsibility under subsection (2) the Minister may, for that purpose, borrow money which shall be secured and shall be repayable out of the Consolidated Fund.

Minister  
may declare,  
etc., a  
national park

4. (1) Governor-General may, by Proclamation—

- (a) declare any Government land to be a national park;
- (b) add to a national park any Government land or any land leased to the Crown;
- (c) add to a national park any private land leased or purchased by private treaty or donated for the purpose of its preservation and protection.

(2) Upon the expiration of the term of a lease to the Crown of any land added to a national park pursuant to paragraph (b) of subsection (1), such land shall cease to be part of that park and the Governor-General shall, by Proclamation, alter the description of the park to exclude such land thenceforth.

Minister  
may declare  
a protected  
area

5. The Minister may, by Order, declare Government land to be a protected area for the purpose of—

- (a) preserving the natural beauty of the area, including the flora and fauna thereof;
- (b) creating a recreational area;
- (c) commemorating an historic event of national importance;  
or
- (d) preserving an historic landmark or a place or object of historic, prehistoric, archaeological, cultural or scientific importance.

Restrictions  
on land in  
national park

6. (1) Except as provided by this Act, no Government land within the national parks system shall be granted, sold or otherwise disposed of and no person shall settle, use or occupy such land.

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

(3) The Governor-General may, subject to such terms and conditions as he thinks fit, with respect to any Government land within the national parks system, grant—

- (a) any right of way necessary for the construction and maintenance of a road or for a public utility; and
- (b) any lease, licence or consent to occupation for locating and maintaining an exchange, office, substation or other necessary installation connected with a public utility.

7. (1) The Minister shall appoint, on such terms as he thinks fit, a Director of National Parks (who shall exercise administrative control of the personnel appointed under this section) and such number of park attendants, officers and employees as he considers necessary for the proper administration of the national parks system.

Director of  
National  
Parks and  
other staff

(2) The Director and the park attendants, officers and employees appointed pursuant to subsection (1) shall constitute a body of persons to be known as the National Parks Authority.

(3) The Director may employ such casual workers as he deems 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.

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

National  
Parks  
Advisory  
Council

- (a) the Director;
- (b) the Chief Forestry Officer;
- (c) two members appointed by the Minister at his discretion;
- (d) three members appointed by the Minister one each on the recommendation of—
  - (i) the Grenada National Trust;
  - (ii) the Tourist Board; and
  - (iii) the Grenada Hotel Association;
- (e) the Permanent Secretary to the Minister for the time being responsible for tourism;
- (f) a representative of the Ministry of Finance;

(g) a representative of Department of the Environment.

(2) Each member of the Council appointed under paragraphs (c) and (d) of subsection (1) shall hold office for a term not exceeding three years and shall be eligible for reappointment.

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

Officials of  
the Council

9. (1) The Minister shall appoint a chairman and deputy chairman of the Council.

(2) In the event of the absence or incapacity of the chairman and deputy chairman the other members of the Council shall elect one of their number to act as chairman for the time being.

(3) Each member of the Council, other than the Director, may be paid for attendance at meetings of the Council such fees and expenses as may be authorized by the Minister.

(4) Five members constitute a quorum of the Council.

Function 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 matter related to the national parks system that he may refer to it.

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

Plan of  
management

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.

(2) A plan of management shall contain a scheme of operations, not inconsistent with the purposes of this Act, that it is proposed should be undertaken in respect of the area to which the plan relates.

(3) Where a plan of management affects or is likely to affect the operations of a public utility the Director shall refer that

plan to the authority responsible for that public utility for its comments and recommendations.

(4) If the Minister proposes to adopt a plan of management he shall cause 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 the 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.

12. (1) An authority responsible for a public utility may, after the 1st February, 1991, continue to operate, manage and maintain any works or undertaking in any area of the national parks system which it was authorized and had commenced to do before that date.

Public utility  
works

(2) The Governor-General in the case of Government land or the Minister may enter into an agreement with an authority responsible for a public utility for the purpose of that authority constructing some new works or undertaking or extending any existing work or undertaking on or under the surface of land within the national parks system, and the authority may carry out such construction or extension subject to the terms and conditions of the agreement.

(3) A public utility may continue to exercise its powers, duties and functions under any written law or agreement in relation to any work or undertaking authorized by that written law or agreement in any area of the national parks system, but in the exercise of those powers, duties and functions the public utility shall follow any directions given by the Governor-General in the case of Government land or by the Minister for the purpose of the preservation and conservation of any area of the national parks system.

13. (1) The Governor-General, in respect of Government land within the national parks system, may grant any lease

Regulations

or licence for the purpose of providing accommodation and services for visitors to a national park, on such conditions and with such reservations (if any) as he thinks reasonable.

(2) The Minister may, with respect to the national parks system, make regulations generally for carrying out the purposes of this Act and, without limiting the generality of the foregoing, such regulations may provide for—

- (a) the preservation of flora and fauna;
- (b) the regulation and prohibition of hunting, shooting and fishing;
- (c) the preservation and maintenance of water supplies and any water catchment area;
- (d) the prevention of squatting, trespassing or encroachment;
- (e) the prevention of soil erosion, landslip, the formation of ravines and torrents, and the deposit of mud, silt, stones and other material in any water;
- (f) the prevention and control of fires;
- (g) the making of surveys of land and the protection of boundary and survey marks;
- (h) the entry and control of movement of persons and animals;
- (i) the construction, maintenance, operation and administration of roads, ways, public works and utility services;
- (j) the regulation and control of transportation within the national parks system;
- (k) the regulation and control of any trade, occupation or business within the national parks system; and
- (l) the regulation and control of development, construction and building within the national parks system.

(3) Regulations under paragraph (c) of subsection (1) shall not be made except in accordance with the advice of the National Water and Sewerage Authority.

(4) Notwithstanding subsection (1), a lease or licence shall not be granted in respect of accommodation in any area of the national parks system where such lease or licence or the granting thereof is contrary to or inconsistent with a plan of management in force in respect of that area.

(5) The Minister may, by Order, provide for the payment of fees by visitors to any park or protected area within the national parks system.

14. The Council may accept voluntary contributions made to it by the Government, or by organizations, or by individuals, to promote the objects and purposes of this Act.

Council may accept contributions

15. (1) The Minister shall establish a special fund to be called the National Parks Development Fund.

National Parks Development Fund

(2) The National Parks Development Fund shall comprise any money borrowed by the Minister pursuant to subsection (4) of section 3, fees paid for visiting a national park or protected area, contributions made to the Council, and any other money lawfully receivable by and paid to the Council.

(3) The National Parks Development Fund shall be used solely to promote the purposes of this Act, including the payment of salaries and wages due to officers and employees of the Council.

(4) The National Parks Development Fund shall be operated as directed by the Minister acting in consultation with the Council.

(5) The funds, accounts, books and papers of the National Parks Development Fund shall be annually submitted to and audited by a professional auditor appointed by the Minister. The auditor shall prepare and present a report on his audit to the Minister within three months of the expiration of the year to which that report relates. The Minister shall cause the report to be laid before both Houses of Parliament not later than two months after receiving it.

16. (1) A park attendant or police officer who has reasonable grounds to believe that a person has committed an offence under this Act, may—

Powers of police officers and park attendants

(a) interrogate a person found within a national park in possession of flora or fauna, or any article of historical, cultural, or archaeological value;

- (b) call upon any person to produce a licence or permit that he is or was at the time of the offence required by the regulations to possess;
- (c) stop and, if of the same sex, search the person, and search any vehicle, boat or other conveyance in the possession of that person or in which that person happens to be, and open and search any baggage or other container in that person's possession;
- (d) enter and search any premises occupied by that person:  
Provided that premises used exclusively as a dwelling-house shall not be entered except in the presence and with the consent of the lawful owner or occupier thereof;
- (e) under the authority of a search warrant enter and search any dwelling-house occupied by that person and seize any wild animal or wild bird, and any article, which he has reason to believe has been taken, or any article which he has reason to believe has been used in or for the purposes of the commission of the offence;
- (f) arrest any person that he reasonably suspects of being concerned in the offence 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 the offence if he has reason to believe that such person will abscond.

(2) Anything seized by a park attendant or police officer pursuant to paragraph (e) of subsection (1) shall, without undue delay, be taken before a magistrate who, upon satisfactory proof that the thing was in the possession of the person in contravention of this Act or the regulations, may order that the thing be forfeited whereupon the thing forfeited may be disposed of at the discretion of the Director.

(3) When a police officer or park attendant has made an arrest in the exercise of a power conferred by this section he shall ensure that the person arrested is taken forthwith to the nearest police station and there placed in the custody of the officer in charge.

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17. (1) Whoever assaults or obstructs a park attendant or an individual who is lawfully assisting, or lawfully acting in the capacity of, a park attendant whilst the park attendant or individual so acting is carrying out any function or duty under this Act or the regulations, shall be guilty of an offence and liable, on summary conviction, to a fine of one thousand dollars and to imprisonment for six months.

Offences and penalties

(2) Whoever without lawful authority hunts, traps or kills any wild animal or wild bird, or picks or digs up any wild flower, shrub or plant, or removes or defaces any historical or archaeological artefact, in a national park shall be guilty of an offence and liable, on summary conviction, to a fine of two thousand dollars and to imprisonment for six months.

(3) Whoever contravenes any provision of the regulations shall be guilty of an offence and liable, on summary conviction, to a fine of two thousand dollars and to imprisonment for three months.

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