

THE NATURAL RESOURCES CONSERVATION
AUTHORITY ACTREGULATIONS
(under section 38)

THE NATURAL RESOURCES (MARINE PARKS) REGULATIONS, 1992

*(Made by the Minister on the 5th day of June, 1992)*L.N. 41B/92
701/2003

1. These Regulations may be cited as the Natural Resources (Marine Parks) Regulations, 1992. Citation.

2. In these Regulations— Interpretation.

“authorized officer” means any officer employed to the Authority, any member of the Security Forces, any officer designated as a Fishery Inspector under the Fishing Industry Act and any other public officer designated as an authorized officer by the Authority;

“marine park” means an area designated as such under section 5 of the Natural Resources Conservation Authority Act;

“marine park manager” means a person appointed as such by the Authority under regulation 23;

“Security Forces” means—

- (a) the Jamaica Constabulary Force;
- (b) the Jamaica Defence Force to the extent that such Force has been assigned to act in aid of the police;
- (c) the Island Special Constabulary Force; and
- (d) the Rural Police.

Offences

3.—(1) A person shall not, except with the written permission of the Authority and in accordance with the provisions of a licence or permit granted under any other enactment, carry out any operation for the extraction or mining of minerals in a marine park. Mining in
marine park.

(2) A person who contravenes paragraph (1) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding forty thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years.

Removal or
destruction of
natural features and
marine life.

4.—(1) A person shall not—

- (a) destroy, injure, deface, move, dig, harmfully disturb or remove from a marine park any sand, gravel or minerals, corals, sea fans, shells, shell fish, starfish or other marine invertebrates, seaweeds, grasses, or any soil, rock, artifacts, stones or other materials;
- (b) cut, carve, injure, mutilate, move, displace or break off any bottom formation or growth;
- (c) attach any rope, wire or other contrivance to any coral, rock or other formation, whether temporary or permanent in character or use;
- (d) use, sell or otherwise dispose of any seaweed, coral, mineral, gravel, sand or other substance or thing, knowing it to have been stolen or unlawfully removed from a marine park.

(2) A person who contravenes paragraph (1) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars or to imprisonment with or without hard labour for a term not exceeding three years.

Dredging, filling,
excavating and
building activities.

5.—(1) A person shall not in a marine park—

- (a) dredge, excavate or carry out any filling operations or deposit any material in the waters thereof; or
- (b) erect any building or other structure or any public service facility,

without the written permission of the Authority.

(2) A person who contravenes paragraph (1) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars or to imprisonment with or without hard labour for a term not exceeding three years.

Refuse and
polluting
substances.

6.—(1) A person shall not discharge or deposit in or on the waters of a marine park any refuse, oily liquids or wastes, acids or other deleterious chemicals or any toxic or polluting substance of any kind injurious to plant or animal life.

(2) A person who contravenes paragraph (1) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars or to imprisonment with or without hard labour for a term not exceeding three years.

7.—(1) A person shall not wilfully mark, deface or injure in any way or remove or interfere with in any way any mooring, buoy, marine park sign, notice or placard, whether temporary or permanent or with any monument stake, post or other boundary marker in any marine park. Markers.

(2) A person who contravenes paragraph (1) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding forty thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years.

8.—(1) A person shall not fish in a marine park without the written permission of the park manager. Fishing.

(2) The Authority may declare in writing that an area of water in a marine park is an area where, at any time or for a period specified by the Authority in such declaration, fishing is prohibited.

(3) The Authority may declare in writing that an area of water in a marine park is an area in which fishing is allowed subject to conditions relating to—

- (a) the kind of fish which may be caught or, as the case may be, the kind of fish in respect of which fishing is prohibited;
- (b) the number of fish that may be caught by a person in a day;
- (c) the type of fishing equipment that may be used; or
- (d) the devices which may be used for fishing.

(4) A person shall not fish in an area of water in a period during which fishing is prohibited under paragraph (2).

(5) A person shall not use in a marine park any poisonous substance, electrical charges or any other similar device for the catching or killing of fish.

(6) A person who contravenes paragraph (1), (4) or (5) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years.

(7) A person who contravenes any conditions imposed by the Authority under paragraph (2) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding forty thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years.

Research and
collection of
objects and
specimens.

9.—(1) The Authority may, after consultation with the marine park manager and on such terms as it thinks fit, grant a permit for—

- (a) the carrying out of research; or
- (b) the collection of natural objects or specimens of marine life or both,

in a marine park for educational, scientific, commercial or industrial purposes.

(2) An application for a permit under paragraph (1) shall be in writing and shall—

- (a) be transmitted through the marine park manager; and
- (b) contain information as to—
 - (i) the type of research and the natural objects or specimens to which the application relates;
 - (ii) the methods to be employed in carrying out the research and in collecting objects and specimens;
 - (iii) the estimated cost of such research;
- (c) be accompanied by the fees specified in the First Schedule.

First Schedule.

(2A) The applicant shall, on the grant of a permit by the Authority, pay the fee specified in the Second Schedule.

Second Schedule.

(3) Where the Authority refuses to grant a permit under this regulation, it shall inform the applicant of the reasons for the refusal and of the right of appeal conferred by regulation 28.

(4) A person who carries out any form of research or collects any objects or specimens in a marine park without a permit issued under this regulation commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding forty thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years.

Scuba diving.

9A.—(1) A marine park manager may, on such terms as he thinks fit—

- (a) issue to a licensed scuba diving operator such number of permits for sale to persons who wish to scuba dive within a marine park; or
- (b) sell permits to certified divers who may wish to scuba dive within the marine park,

and the marine park manager shall issue with each permit sold, an identification tag that shall be worn by the person purchasing the permit while in the marine park.

(2) The fee specified in the Second Schedule shall be paid by persons who purchase permits.

(3) Subject to paragraph (4), a licensed scuba diving operator shall send to the marine park manager—

- (a) a return of the fees collected for the permits sold;
- (b) all the counterfoils in respect to the permits sold and the identification tags issued,

within seven days of the end of each month in which the permits are sold and the identification tags issued.

(4) Where a licensed scuba diving operator is an all inclusive hotel, the return of the fees and the counterfoils shall be made within seven days of the end of the quarter during which the permits were sold and the identification tags issued.

(5) A licensed scuba diving operator who makes his return of fees prior to or within the period specified in paragraphs (3) and (4) shall be entitled to a commission equivalent to ten per cent of the total amount of sales made during the period.

(6) Where a licensed scuba diving operator fails to make a return of the fees collected and the counterfoils of the identification tags, the marine park manager may refuse to issue to that licensed scuba diving operator any permits and identification tags until the return of the fees is made and the counterfoils received.

(7) Any—

- (a) person who scuba dives without a permit or identification tag sold to him by a licensed scuba diving operator or a marine park manager; or
- (b) person in charge of a vessel who knowingly transports another person who has no permit or identification tag to any place in a marine park for the purpose of scuba diving,

commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding three months.

(8) For the purposes of this regulation—

- (a) “certified diver” has the same meaning as in regulation 15 of the Tourist Board (Water Sports) Regulations, 1985;
- (b) “licensed scuba diving operator” means a person licensed under the Tourist Board Act to operate a tourism enterprise which is a scuba diving operation as defined in regulation 15 of the Tourist Board (Water Sports) Regulations.

Snorkelling
facility.

9B.—(1) The marine park manager may, on such terms as he thinks fit, grant a permit for the operation of a snorkelling facility in a marine park.

(2) An application for a permit under paragraph (1) shall be in writing and shall contain information as to the—

- (a) name and address of the applicant;
- (b) name and registration number of the vessel;
- (c) number of snorkellers expected to use the facility in the year for which the permit is sought;
- (d) number of snorkelling trips that the applicant expects to take per day;
- (e) location of any snorkelling activity.

Second Schedule.

(3) The applicant shall, on the grant of a permit by the marine park manager, pay the fee specified in the Second Schedule.

(4) A permit issued pursuant to this regulation shall be valid for the period of one year.

(5) An application for the renewal of a permit granted under this regulation, shall be made one month prior to the expiration of the existing permit.

(6) Where a person to whom a permit is granted for the operation of a snorkelling facility had—

- (a) underestimated the number of snorkellers pursuant to paragraph (2) (c), that person shall, at the end of the year pay to the marine park manager the difference in fees;
- (b) overestimated the number of snorkellers pursuant to paragraph (2) (c), that person shall be credited with the amount overpaid at the time of payment of the renewal fee.

(7) A person granted a permit for the operation of a snorkelling facility shall—

- (a) display that permit at all times in the facility;
- (b) maintain a snorkelling log book containing—
 - (i) the name and signature of all persons taken on each trip;
 - (ii) the name of the captain of the vessel;
 - (iii) the name of the vessel.

(8) The marine park manager may refuse to grant or revoke a permit granted—

- (a) for reasons relating to the safety of a tour;
- (b) where there is the likelihood of environmental damage;
- (c) because of the manner in which a tour is conducted;
- (d) where the appropriate records are not being kept by the person operating the snorkelling facility;
- (e) for a breach of any term or condition of the permit as granted.

(9) A person who operates a snorkelling facility without a permit issued by the marine park manager under this regulation or falsifies a logbook commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding six months.

(10) For the purposes of this regulation, “snorkelling facility” means a facility offering snorkelling as a commercial activity to any person in a marine park either from a vessel, conveyance, building, wharf, pier, jetty, marina or terrestrial type of base for profit or reward.

9C.—(1) The marine park manager may, on such terms as he thinks fit, issue a permit to any person to moor a conveyance or vessel on a mooring buoy within the marine park. Mooring.

(2) The fee specified in the Second Schedule shall be paid by persons who purchase a permit. Second
Schedule.

(3) A licensed scuba diving operator and a person operating a snorkelling facility shall be exempt from the requirement to pay the mooring fee specified in the Second Schedule.

9D.—(1) The marine park manager after consultation with the Authority may, on such terms as he thinks fit, grant a permit to film or videotape any natural resource, object or specimen in a marine park for commercial purposes. Use of film or
video equipment
for commercial
purposes.

(2) An application for a permit under paragraph (1) shall be in writing and shall contain information as to—

- (a) the proposed areas within the marine park to be filmed or videotaped;
- (b) the proposed natural resource, object or specimen to be filmed or videotaped;
- (c) the proposed time schedule.

Second Schedule.

(3) The applicant shall, on the grant of the permit by the marine park manager, pay the fee specified in the Second Schedule.

(4) A person who films or videotapes any natural resource, object or specimen in a marine park for commercial purposes without a permit issued by the marine park manager under this regulation commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding three months.

(5) For the purposes of this regulation, "commercial purposes" includes all commercials, documentaries, film or television programmes.

Exemption.

9E. The Authority and the marine park manager may grant an exemption from the requirement to obtain a permit if the Authority and the marine park manager are satisfied that it is in the interest of the better management of the marine park.

Minister may
appoint date on
which regulations
to apply.

9F. Regulations 9A, 9B, 9C and 9D shall apply to each marine park on such date as the Minister may appoint by notice published in the *Gazette*.

Litter.

10.—(1) A person shall not, in a marine park—

- (a) deposit or leave any litter, bottle, broken glass, china, pottery, plastic article, rubbish, refuse or other waste material, except in an area or receptacle designated or provided for that purpose;
- (b) deposit or leave any noxious, noisome, offensive substance, matter or thing;
- (c) deposit or leave any offal, dead animal, dung or other filth;
- (d) deposit in any receptacle provided for litter any domestic garbage;

- (e) wilfully break any article of glass, china, pottery, plastic or other similar material.

(2) A person who contravenes paragraph (1) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding forty thousand dollars or to imprisonment with or without hard labour for a term not exceeding twelve months.

11.—(1) A person shall not, except with the written permission of the Authority, erect, display or cause to be displayed in a marine park any sign, slogan or marker containing any advertising or other kind of message.

Advertising signs, etc.

(2) A person who contravenes paragraph (1) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding thirty thousand dollars or to imprisonment with or without hard labour for a term not exceeding twelve months.

12.—(1) A person shall not discharge or have in his possession in a marine park any air rifle or other firearm, spring gun, sling, bang sticks, spear guns, harpoons, or any other weapon which is potentially harmful to fish or wild life or to the reef structure and dangerous to human safety.

Explosives and dangerous weapons.

(2) A person shall not use or have in his possession, any explosives in a marine park.

(3) A person who contravenes paragraph (1) or (2) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars or to imprisonment with or without hard labour for a term not exceeding twelve months.

13.—(1) A person shall not behave in a disorderly, offensive or indecent manner or use any offensive or indecent language or create any disturbance in a marine park.

Disorderly behaviour.

(2) A person shall not obstruct, disturb, interrupt or annoy any other person engaged in the proper use of a marine park, nor behave in a manner likely to create any disturbance.

(3) A person shall not deface, paint, write, cut names or letters, or otherwise make marks or affix bills on trees, rocks, gates, fences, buildings, signs or other property in a marine park.

(4) A person who contravenes paragraph (1), (2) or (3) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding twenty thousand dollars or to imprisonment with or without hard labour for a term not exceeding twelve months.

Other offences.

14. A person who commits an offence against these Regulations for which no penalty is provided in these Regulations is liable on summary conviction—

- (a) where the offence is committed by an individual, to a fine not exceeding twenty thousand dollars or to imprisonment with or without hard labour for a term not exceeding twelve months;
- (b) where the offence is committed by a corporation, to a fine not exceeding forty thousand dollars.

Refusal to comply with orders.

15. A person who—

- (a) refuses, neglects or fails to comply with any direction given to him by an authorized officer;
- (b) refuses or fails to produce any licence or permit that he is required to produce by an authorized officer;
- (c) assaults, resists or obstructs an authorized officer in the execution of his duty;
- (d) uses threatening language or behaves in a threatening manner towards an authorized officer in the execution of his duty;
- (e) refuses to leave a marine park when ordered to do so by an authorized officer; or
- (f) removes, alters or interferes with any articles seized under these Regulations without the authority of an authorized officer; or
- (g) impersonates an authorized officer,

commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding forty thousand dollars or to imprisonment with or without hard labour for a term not exceeding twelve months.

Court may order payment.

16. Where a person is convicted of an offence of removing any property from, or causing any danger to, a marine park or any plant or animal therein, the Court before which he is convicted may, in addition to any penalty for which he may be liable under these Regulations—

- (a) order him to pay to the Crown or Authority the full market value of the property removed or of the damage done to the marine park or any plant or animal therein including the rehabilitation or restoration cost;

- (b) order him to pay to the marine park manager and Authority, such costs resulting from any activities by the marine park manager and Authority to minimize environmental damage to the park and rehabilitate any damage that may have been caused.

17.—(1) A person shall not, in a marine park—

- (a) anchor or moor a conveyance or vessel in any place other than a designated mooring facility or anchorage zone or other place designated for the purpose by the Authority;
- (b) anchor or moor a conveyance or vessel in such a manner as to obstruct or be a danger to persons in the marine park;
- (c) abandon a conveyance or vessel or leave it in a position, condition or in circumstances so that it appears to be abandoned.

Anchoring, etc.,
of conveyances
or vessels.

(2) A conveyance or vessel shall be deemed to have been abandoned if it is left unattended for a period of forty-eight hours or more.

(3) Where a conveyance or vessel has been abandoned the marine park manager—

- (a) may remove that conveyance or vessel from the place it is abandoned and store it at another location; and
- (b) shall not be liable for any damage to the conveyance or vessel as a result of its removal or storage.

(4) Where a person seeks to anchor or moor a conveyance or vessel in a marine park, that person shall use the designated mooring buoys or anchoring areas.

18.—(1) An authorized officer may, without warrant, if he has reasonable cause to suspect that any conveyance, vessel, equipment, article or thing is being or has been used in the commission of an offence under these Regulations, search that conveyance, vessel, equipment, article or thing.

Search, seizure
and forfeiture.

(2) Where a search pursuant to paragraph (1) reveals that the conveyance, vessel, equipment, article or thing has been or is being used for the commission of an offence under these Regulations, the authorized officer may seize and detain such conveyance, vessel, equipment, article or thing.

(3) The Resident Magistrate, upon an application by the Clerk of Courts, may—

- (a) where a conveyance, vessel, equipment, article or thing is seized pursuant to this regulation;
- (b) where a person is convicted of an offence against these Regulations, in which the seized conveyance, vessel, equipment, article or thing was used; and
- (c) if it is just to do so in the circumstances,

order the forfeiture of that conveyance, vessel, equipment, article or thing.

(4) Where the Clerk of Court proposes to apply for forfeiture of a conveyance, vessel, equipment, article or thing seized pursuant to this regulation, he shall give notice of the application—

- (a) to the owner, where the owner is known; or
- (b) if the owner is not known, by publication of the notice in a daily newspaper in circulation in Jamaica.

(5) Any person who may have a claim to any conveyance, vessel, equipment, article or thing the subject of an application for forfeiture pursuant to this regulation, shall be entitled to show cause why an order for forfeiture should not be made.

(6) Where, on the hearing of an application for forfeiture pursuant to this regulation, no person appears to show cause, the Court may treat the conveyance, vessel, equipment, article or thing as abandoned and order its forfeiture.

(7) If, upon an application of any person prejudiced by an order under paragraph (3) the Court is satisfied that it is just to revoke such order, the Court may revoke that order upon such terms and conditions as it deems appropriate.

(8) An application to the Court under paragraph (7) for the revocation of an order shall be made within six months after the date of the order.

Enforcement

Arrest without
warrant.

19.—(1) An authorized officer may, without warrant, arrest any person in a marine park, where the authorized officer reasonably believes that—

- (a) the person has committed an offence against these Regulations; and
- (b) proceedings against the person by summons would not be effective.

(2) Where an authorized officer arrests a person under paragraph (1), he shall produce his identity card for inspection by that person unless it is not reasonably practicable to do so.

(3) Where a person is arrested under paragraph (1), an authorized officer shall immediately bring the person, or cause that person to be brought to the nearest police station.

Powers of an
authorized officer.

19A. An authorized officer may—

- (a) require the holder or distributor of any permit to provide it for inspection on request;
- (b) with a warrant, enter and search any land or property of a person reasonably believed to have committed an offence;
- (c) inspect any documentation, records or log books in relation to the grant or sale of permits required to be kept by persons to comply with these Regulations;
- (d) seize any plant, animal or product or any part thereof which appear to have been taken in contravention of these Regulations.

20.—(1) A conveyance or vessel which is anchored, left or abandoned, as the case may be, in contravention of regulation 17, may be removed to an impoundment area by an authorized officer.

Removal and disposal of abandoned conveyances and vessels.

(2) In paragraph (1) "impoundment area" means an area designated by the Authority for the temporary custody of conveyances or vessels.

(3) A conveyance or vessel removed to an impoundment area shall not be kept in that area for more than seven days, unless the period is extended by the Authority or the vehicle is sooner claimed by the owner.

(4) A conveyance or vessel which is unclaimed at the end of the period referred to in paragraph (3), shall be removed to a place designated by the Authority for safe keeping.

(5) The Authority or marine park manager shall use reasonable efforts to ensure that a conveyance or vessel or its contents (if any) are protected from damage or loss while being removed under paragraph (1) or (4) and while it remains in the custody of the Authority or marine park manager.

(6) Where a conveyance or vessel is removed pursuant to this regulation, the authorized officer responsible for such removal shall make a report in a log provided for the purpose, which shall state—

- (a) the time of removal;
- (b) the location from which it is being removed;
- (c) while applicable, the licence number, type, model and registered owner of the conveyance or vessel.

(7) The owner of a conveyance or vessel shall pay a fee of ten thousand dollars for the recovery thereof and in addition a fee of one thousand dollars for each day that the conveyance or vessel remains unclaimed or until such time as it is disposed of by the Authority pursuant to regulation 21.

Disposal of
abandoned
conveyances, or
vessels.

21.—(1) Subject to regulation 18 and paragraph (2) of this regulation, the Authority may, if it appears to it that a conveyance or vessel is abandoned as mentioned in regulation 17 (1) (c), sell or otherwise dispose of it and its contents (if any) and may apply the proceeds of any such sale in or towards satisfaction of any costs incurred in connection with the disposal thereof.

(2) A power of disposal conferred by paragraph (1) shall not be exercisable in the case of a conveyance or vessel unless the Authority has taken all reasonable and necessary steps for enabling the conveyance or vessel to be claimed by the owner thereof.

Zones

Zones.

22.—(1) The Authority may, in consultation with the marine park manager, zone areas for the following purposes—

- (a) fishing;
- (b) fish sanctuary;
- (c) swimming;
- (d) snorkelling;
- (e) scuba diving;
- (f) anchoring of conveyances or vessels and moorings;
- (g) use of motorized craft;
- (h) use of non-motorized craft;
- (i) environmental restoration or “No Use”;
- (j) scientific research;
- (k) harbour as designated by the Port Authority;
- (l) no wake as designated by the Port Authority.

(2) The Authority may, in consultation with the marine park manager, create additional zones for the orderly management of the marine park.

(3) The Authority or the marine park manager, shall place in the marine park conspicuous signs, buoys or other materials to designate the assigned zones.

(4) The Authority—

- (a) may consult with such Government departments and private individuals as it thinks fit prior to the formulation of the zone plan;

- (b) shall publish in the *Gazette* and a daily newspaper in circulation in Jamaica, once every three years, the zone plan for each marine park.

(5) A person who uses an area zoned for a particular purpose, in any manner contrary to that assigned to that zone, commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding three months.

Management Plans

22A.—(1) As soon as in reasonably practicable after a marine park has been declared, the Authority shall prepare or cause to be prepared, a plan of management in respect of such marine park. Management plans.

(2) A plan of management prepared pursuant to paragraph (1) may include provisions in relation to any area that is proposed to be added to such marine park so, however, that such provisions shall not have effect until such area is added to the marine park.

Administration

23.—(1) Subject to paragraph (2), the Authority may appoint a marine park manager for each marine park who shall be responsible for the day to day management of the marine park subject to the direction of the Authority. Appointment of marine park manager.

(2) The Authority may appoint any other person to assist the marine park manager in the performance of his functions under these Regulations.

24.—(1) The Authority may, from time to time where it considers it expedient to do so, designate as marine park rangers for the purpose of these Regulations and on such terms and conditions as it thinks fit— Marine park rangers.

- (a) a member of the staff of the Authority;
- (b) any other person who by training or experience is qualified to be so designated.

(2) The designation of a person as a marine park ranger under this regulation shall be notified in the *Gazette*.

25.—(1) The chairman shall issue to each marine park ranger an identity card signed by the chairman and containing a photograph of the marine park ranger and his signature. Identity card.

(2) A person to whom an identity card is issued under paragraph (1), shall return that card to the chairman of the Authority on the termination of his employment as a marine park ranger.

(3) A member of the Security Forces, by virtue of his office, shall be deemed to be a marine park ranger under these Regulations.

Functions of
marine park
ranger.

26.—(1) The functions of a marine park ranger shall be to patrol the area of each marine park, to protect the resources of that park and without prejudice to the generality of the foregoing, to—

- (a) patrol and monitor the various zones of the marine park;
- (b) enforce these Regulations;
- (c) maintain patrol vehicles, marking facilities and underwater trails;
- (d) provide first-aid, emergency or rescue assistance to park users in the event of accident or injury;
- (e) assist in the conduct of environmental monitoring programmes.

(2) In the exercise of his functions within the marine park, a marine park ranger may—

- (a) require any person to refrain from any unlawful act or any act which in his opinion appears likely to result in the damage or destruction of any property, real or personal, which is owned by, in the possession of, or under the management of the marine park or any user of the marine park;
- (b) require any person whom he finds committing or whom he reasonably suspects of having committed any such act to state his full name and true place of residence or leave the marine park immediately.

Destruction, loss or
injury of natural
resources.

26A.—(1) The marine park manager shall, in the event of threatened or actual destruction of or loss of or injury to, or impairment in quality of any natural resource in the marine park, inform the Authority of such activity.

(2) The Authority and the marine park manager shall coordinate the appropriate action for the purpose of taking action to prevent, respond to or investigate the harm.

Marine Park
Account.

26B.—(1) The marine park manager shall establish an account for each marine park into which all funds collected by the marine park manager for scuba diving, mooring fees, snorkelling facility permits and fees for filming for commercial purposes shall be deposited.

(2) The marine park manager shall within three months of the end of each calendar year, present to the Authority an audited report of the account.

(3) The Authority shall publish the report in the *Gazette*.

Recovery of
debt.

26C. Without prejudice to any other method of recovery, all debts due to the Authority may be recovered in a Resident Magistrate's Court as a civil debt notwithstanding any limitation as to the amount recoverable under the Judicature (Resident Magistrates) Act.

27.—(1) The Authority may by notice in the *Gazette* appoint an Advisory Board (hereinafter referred to as the Board) for a marine park. Advisory Board.

(2) A Board appointed under paragraph (1) shall consist of—

- (a) the manager of the marine park;
- (b) the chairman of the Authority or his nominee;
- (c) a representative of the Fisheries Division of the Ministry of Agriculture;
- (d) a representative from the University of the West Indies;
- (e) one person who is qualified in marine biology;
- (f) one representative from the Ministry of Tourism;
- (g) one representative from the Maritime Authority; and
- (h) one representative from the Fisherman's Association in the area.

(3) The members of the Board shall hold office for such period not exceeding two years as the Minister may determine and shall be eligible for reappointment.

(4) The Authority may appoint any person to act in place of the chairman or any other member of the Board in the case of the absence or inability to act of the chairman or other member.

(5) The meetings of the Board shall be held at such time and such places as the chairman may from time to time appoint.

(6) Four members of the Board shall form a quorum at any meeting.

(7) The decision of the Board shall be by a majority of the members, and in addition to an original vote, the chairman shall have a casting vote in any case in which the voting is equal.

(8) The functions of the Board shall be to make recommendations to the Authority on the preservation of the ecological system in the marine park and, without prejudice to the generality of the foregoing, to—

- (a) advise the Authority on matters relating to the administration, control and preservation of the resources of the marine park;
- (b) review a management plan for the proper operation and management of the park and to review that plan annually;
- (c) monitor management strategies to see whether they are achieving their desired effects; and
- (d) institute programmes to raise revenue for the park.

(9) In performing the functions specified in paragraph (1) the Board may—

- (a) recommend to the Authority persons to be designated as marine park rangers;
- (b) prescribe the conditions for the disposal or retention of specimens and other scientific material;
- (c) co-ordinate education programmes to ensure community involvement in the preservation of the park;
- (d) advise the Authority on zoning and the establishment of boundaries in the marine park.

Appeals.

28.—(1) A person aggrieved by a refusal of the Authority or marine park manager to grant a permit under regulation 9 may within sixty days of such refusal, appeal to the Minister.

(2) Any person making an appeal under these Regulations may either in person or by his representative make oral or written submission to the Minister.

(3) The Minister shall within one month of the hearing of an appeal deliver his decision in writing.

(4) A decision of the Minister pursuant to these Regulations shall be final.

Certificate.

29. A certificate by the chairman that an area is within a marine park shall be *prima facie* evidence of that fact.

FIRST SCHEDULE

(Regulation 9)

Application Fee for Permit

- | | | | | | |
|----|--|-----|-----|-----|------------|
| 1. | Application fee for permit to conduct research or collect specimens for purposes other than commercial or industrial | ... | ... | ... | \$1,000.00 |
| 2. | Application fee for a permit to conduct research or collect specimen for purposes that are commercial or industrial | ... | ... | ... | \$2,000.00 |

SECOND SCHEDULE

(Regulations 9, 9A, 9B, 9C and 9D)

Fees payable in respect of Permits

Type of Permit				Fee	
<hr/>				<hr/>	
1.	Research or collection of specimen for purposes other than commercial or industrial	...	...	...	\$3,000.00
2.	Research or collection of specimen for purposes that are commercial or industrial	...	...	...	\$6,000.00
3.	Scuba Diving—				
(a)	Daily—Non-Resident	...	...	...	\$3.00 (US) or the equivalent in Jamaican currency.
(b)	Annual (one park)— Non-Resident and Resident	...	...	...	\$20.00 (US) or the equivalent in Jamaican currency.
(c)	Annual (All Parks)— Non-Resident and Resident	...	...	...	\$40.00 (US) or the equivalent in Jamaican Dollars.
4.	Snorkelling Facility—				
(a)	500 persons or less per annum	...	...	...	\$100.00 (US) or the equivalent in Jamaican Dollars.
(b)	More than 500 persons but less than 1,000 per annum	...	...	...	\$200.00 (US) or the equivalent in Jamaican Dollars.
(c)	1,000 persons or less than 3,000 per annum	...	...	...	\$400.00 (US) or the equivalent in Jamaican Dollars.
(d)	3,000 persons or more per annum	...	...	...	\$800.00 (US) or the equivalent in Jamaican Dollars.

SECOND SCHEDULE, *contd.*

5.	For mooring—				
	(a) Daily	...	...	...	\$20.00
	(b) Annual	...	...	...	\$5,000.00
6.	Video or Film Site—				
	Non-commercial/Commercial	...	...	...	\$5,000.00
	(a) Filming or video taping	...	...	...	\$15,000.00
	(b) Television/advertisement	...	...	...	\$10,000.00
	(c) Documentary	...	...	...	\$5,000.00