



GRENADA

ACT NO. 42 OF 1990

I assent,



PAUL SCOON
Governor-General.

31st December, 1990.

An Act to provide for National Parks and Protected Areas.

[*1st February, 1991*].

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Grenada, and by the authority of the same, as follows:--

1. This Act may be cited as the

Short Title.

NATIONAL PARKS AND PROTECTED AREAS
ACT, 1990.

2. In this Act,

“Council” means the National Parks Advisory Council established under section 8; Interpretation.

“Crown Lands” means lands belonging to the State;

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

“Minister” means the Minister charged with the responsibility for the national parks system;

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

“park” means any place designated under sub-section (1) of section 4 as a national park of Grenada;

“park attendant” means a person appointed as park attendant pursuant to subsection (1) of section 7;

“plan” means a plan described in section 11;

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

3.--(1) All lands in the parks designated under subsection (1) of section 4 and all lands declared as protected areas under section 5 shall constitute the national parks system and are hereby vested in the Crown and dedicated to the people of Grenada and their guests for their beauty, education and enjoyment.

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

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

shall exercise such control through the National Parks Authority established under subsection (2) of section 7.

(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 be repayable out of the Consolidated Fund where the National Parks Development Fund is unable to make such payment.

4.--(1) The Minister may by order --

- (a) declare any Crown lands to be a park;
- (b) add to any park any Crown lands and any lands leased to the Crown;
- (c) add to any park any private lands donated for the purpose of preservation and protection; and
- (d) effect the purchase of any lands deemed critical for protection and inclusion in the national parks system.

Minister
may
declare
National
Parks.

(2) Upon the expiration of the term of any lease to the Crown of any lands added to a park, pursuant to paragraph (b) of subsection (1), such lands shall cease to be part of that park and the Minister may therefore by order alter the description of that park therein to exclude such lands.

5.--(1) The Minister may by order declare any lands as a protected area for the purpose of--

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

Minister
may
declare
protected
areas.

- (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, prehistoric, archaeological, cultural or scientific importance.

6.--(1) Except as provided by this Act, no Crown lands within the national parks system shall be granted, sold or otherwise disposed of and no persons shall settle, use or occupy any lands within the national parks system.

(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 Crown lands within the national parks system, grant--

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

7.--(1) A Director of National Parks who shall exercise administrative control of the other persons who may be appointed under this subsection and of the park attendant and such other officers and employees as are necessary for the proper administration of the national parks system shall

be appointed by the Minister on such terms and conditions as may be stipulated by him from time to time.

(2) The Director of National Parks, park attendants and such other officers and employees appointed pursuant to subsection (1) shall constitute 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 of National Parks;
- (b) the Chief Forestry Officer;
- (c) two members appointed by the Minister;
- (d) three members appointed by the Minister one each on the recommendation of--
 - (i) the Grenada National Trust;
 - (ii) the Grenada Board of Tourism; and
 - (iii) the Grenada Hotel Association;
- (e) the Permanent Secretary of the Ministry of 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 during pleasure for a term not exceeding three years and is eligible for reappointment.

(3) Any 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.

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 fees and expenses for attendance at meetings of the Council as may be authorised by the Minister.

(4) Five 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 matter related to the national parks system that he may refer to it.

(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.

(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 an authority responsible for a public utility the Director shall refer that plan to that authority for its comments and recommendations.

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

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

(b) the address to which representations respecting that 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 in the notice.

12.--(1) Any authority responsible for public utility operating before the commencement of this Act may continue to operate, manage and maintain any work or undertaking in any area of the national parks system which it was authorized to do before the commencement of this Act.

Public utility to continue operation.

(2) The Minister may enter into an agreement with any authority responsible for a public utility for the purpose of that authority constructing any new works or undertaking or extending any existing work or undertaking within the national parks system and that authority may carry out such construction or extension subject to the terms and conditions of that agreement.

(3) Any Public Utility may continue to exercise its powers, duties and functions under any law or agreement

in relation to any work or undertaking authorized by that law or agreement in any area of the national parks system but in the exercise of those powers, duties and functions that Public Utility shall follow any directions given by the Minister for the purpose of the preservation and conservation of any area of the national parks system.

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

- (a) the preservation of the flora and fauna;
- (b) the regulation and prohibition of hunting, gaming and fishing;
- (c) the preservation and maintenance of water supplies and any water catchment area;
- (d) the granting of leases and licences of occupation upon Crown lands within the national parks system for the purpose of providing accommodations and other services to visitors to the national parks system;
- (e) the prevention of squatting, trespassing 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; and
- (m) the regulation and control of development, construction and building within the national parks system.

(2) Any regulations under paragraph (c) of subsection (1) shall be made in accordance with the advice of the National Water and Sewerage Authority.

(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 granting thereof is contrary to or inconsistent with a plan in force in respect of that area.

(4) The Minister may, by order published in the *Government Gazette*, provide for the payment of a fee for visiting a park or protected area within the national parks system.

14. The Council may accept contributions made to it voluntarily by the Government of Grenada, organisations, or private 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 System Development Fund.

(2) The National Parks System Development Fund shall comprise any money borrowed by the Minister pursuant to subsection (4) of section 3, any fee paid for visiting a park or protected area pursuant to subsection (4) of section 13, any contributions made to the Council under section 14, and any other money lawfully receivable by and paid to the Council.

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

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

(5) The funds, books and papers of the National Parks System Development Fund shall be audited annually by a professional auditor appointed by the Minister. The Auditor shall prepare a report on same and shall furnish the Minister with that report within three months of the expiration of the year to which that report relates. The Minister shall cause such report to be laid before the Houses of Parliament not later than two months after receiving same.

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

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

(b) call upon any person to produce any licence or permit required by the regulations;

(c) stop and search the person and 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 things in his possession;

(d) enter and search any premises in the occupation of that person but no premises used exclusively as a dwelling house shall be entered except in the presence and with the consent of the owner or occupier thereof;

(e) under the authority of a search warrant enter and search any dwelling house in the occupation of that person and seize any wildlife or articles which he has reason to believe has been taken or used in the commission of the offence;

(f) arrest any person that he reasonably suspects of being concerned in a contravention of this Act or a regulation of this Act 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 a regulation of this Act if he has reason to believe that such person will abscond.

(2) Where anything has been seized by a park attendant 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 the 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 an order the thing is forfeited and may be disposed of at the discretion of the Director.

(3) Where any person has been arrested by a police officer or a park attendant that officer or attendant shall cause every person so arrested to be carried forthwith to the nearest police station and to be placed in the custody of the officer on duty.

17.--(1) Every person who--

- (a) assaults or obstructs a park attendant in the discharge of his functions and duties;
- (b) assaults or obstructs any person assisting a park attendant in the discharge by that park attendant of his functions and duties;
- (c) assaults or obstructs any person performing the duties of a park attendant

shall be guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Subject to any regulations to the contrary, every person who hunts, traps or kills any animal or who picks or takes any flower, shrub or plant or who removes or defaces any historical, archaeological artefact is guilty of an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for six months or to both such fine and imprisonment.

(3) Every person who contravenes any provision of the regulations is guilty of an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for three months or to both such fine and imprisonment.

Passed by the House of Representatives this 7th day of December, 1990.

CURTIS V. STRACHAN
Clerk to the House of Representatives.

Passed by the Senate this 18th day of December, 1990.

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Clerk to the Senate.

GRENADA
