

ANTIGUA AND BARBUDA



THE NATIONAL PARKS (GENERAL) REGULATIONS, 2012

STATUTORY INSTRUMENT

2012, No. 48

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THE NATIONAL PARKS (GENERAL) REGULATIONS, 2012

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THE NATIONAL PARKS (GENERAL) REGULATIONS made by the Minister in exercise of the powers contained in section 26 of the National Parks Act, Cap. 290.

1. Short title

These Regulations may be cited as the National Parks (General) Regulations, 2012.

2. Interpretation

In these Regulations—

“Act” means the National Parks Act, Cap. 290;

“Authority” means the authority established under the National Parks Act Cap 290;

“Natural object” means any natural material, soil, sand, gravel, rock, mineral, fossil or other object of natural phenomenon, not included within the term flora and fauna that is located within the Park;

“Flora” means any plant matter living or dead;

“Park” has the same meaning assigned to it as in section 2 of the Act.

“Parks Commissioner” means the person appointed to be Parks Commissioner under section 7 of the National Parks Act Cap. 290.

3. Use of public lands or property within a park

(1) A person shall not use or occupy public lands or public property within the Park without the written permission of the Authority.

(2) A person who is permitted to occupy or use public land or public property within a Park shall, in addition to any conditions attached to the permit, maintain the land or property in a clean and safe condition satisfactory to the Parks Commissioner and when vacating the land or property restore it to its natural or original condition satisfactory to the Parks Commissioner.

4. Restricted or prohibited activities, uses and tours

(1) The Authority, where it is necessary for the preservation, control and proper management of the Park, may designate certain activities, uses or entry and tours in areas in the Park, as restricted or prohibited areas and may fix the day and hours of operation during which facilities in the Park shall be opened to the public.

(2) Notice of the restriction or prohibition or the hours of operation referred to in sub-regulation (1) shall be posted by the Authority at the entrance to the Park or at such conspicuous areas in the Park as is deemed necessary by the Parks Commissioner.

(3) A notice posted in accordance with sub-regulation (2) shall include—

- (a) a description of the activity or use to which the restriction or prohibition applies;
- (b) the extent of the restriction, where an activity or use is being restricted; and
- (c) a description of the area to which the restriction or prohibition of entry or tours in that area applies.

5. Activities requiring a permit

(1) Without prejudice to sub-regulation 2, a person shall not in any way without the written permission of the Parks Commissioner—

- (a) enter a Park or any part thereof upon which entry is prohibited to members of the public;
- (b) enter a Park or remain therein at any time after the park is closed to the public;
- (c) use any device capable of detecting metal or searching for artifacts;
- (d) deliver any public lecture, sermon or address;
- (e) climb any tree, gate, fence, or building;
- (f) erect or construct any post, house, hut, rail, fence, pole, tent or shelter (except in accordance with regulation 4), booth, stand, apparatus, screen, swing or structure (other than a collapsible umbrella) or make any closure of any part thereof;

- (g) practice any gymnastic play or play any game or take part in any sport, entertainment or dance other than in a place where such activities are, by notice displayed thereon or in the vicinity thereof, declared to be permitted;

- (h) display or distribute any advertisement including bill boards in a Park;
- (i) bring or use any devise for generating electricity or create excessive illumination;
- (j) operate any boat, vehicle, or aircraft other than in an area where the operation of such boat or aircraft is, by notice displayed therein or in the vicinity thereof, declare to be permitted;
- (k) throw or mine any sand or throw or discharge any stone or other missile;
- (l) bring any fire arm, ammunition or explosive into a Park;
- (m) use the Park premises for any event (whether commercial, service/meeting, social gathering);

(2) A person shall not in the Park—

- (a) remove, uproot, destroy, deface, damage or injure any tree, shrub or plant or part thereof or any natural objects or break any bough or pluck any flower or leaf, or dig, cut, take or mine any turf, soil, gravel, sand, natural objects or other substances;
- (b) remove, deface, damage or destroy any structure, prehistoric or archaeological artifact treasure, buried relics, cave formation, structure or mineral deposits;
- (c) cause any noise that may affect the enjoyment of other users of the Park;
- (d) conduct any business or engage in any activity or behave in a manner that unreasonably disturbs other persons in a Park or unreasonably interferes with their use or enjoyment of the Park;
- (e) deposit or leave any dead animal, bird, fish, or any parts thereof, any litter, or trade refuse, turf, gravel, sand or other substance;
- (f) deposit or leave any bottle, tin container, broken glass, or crockery, waste paper or other like article or thing, except in bins or receptacles provided by the Authority for the purpose;
- (g) remove, deface, damage or destroy any signboard, sign or notice placed, posted or erected by the Authority in any Park;
- (h) pollute any water course, obstruct or divert any watercourse by any means whatsoever;

- (i) store; use, make, manufacture or sell narcotics or offer for sale or have in his possession.;
- (j) use the park premises to engage in acts of gambling, prostitution or other illegal activity involving persons.

(3) The Parks Commissioner may, in addition to laying information before the Police against any person who contravenes the provisions of these regulations, remove or cause to be removed from a Park any such person from the Park.

(4) A person, who has been removed from a Park under regulation 5, shall not enter or attempt to enter that area where he was removed from for six (6) months following the date of removal, unless that person applies for and obtains permission from the Parks Commissioner.

6. Authorisation by the Authority

(1) The Authority may issue a permit to any person authorizing the person to take, destroy, damage or injure any flora or natural objects in the Park for purposes of Park management, research or historical preservation.

(2) A permit issued by the Authority under sub-regulation (1) shall specify the kind and amount of and the location from which flora or natural objects may be removed and the conditions applicable to the permit.

(3) Where natural objects are removed without the written permission of the Parks Commissioner from a Park, every person who participates in the removal of such natural objects commits an offence and, in addition to the penalty imposed under regulation 14, shall pay to the Authority twenty five dollars (\$25.00) for each cubic yard of such natural objects or fraction thereof.

(4) The operation of dive tours or dinghy operation within the Park without prior permission from the Park Commissioner is prohibited.

7. Prohibition of camping in the Park

A person shall not in the Park—

- (a) set up a camp in any area other than an area designated as a camping area without the prior approval of the Parks Commissioner;
- (b) set up camp, except under the authority of and in accordance with the terms and conditions of a written permit to do so granted to him by the Parks Commissioner;
- (c) dig or level the ground in an area designated as a camping area;

- (d) leave camping equipment and refuse in a camping area;
- (e) connect any apparatus or appliance to a public utility without the permission of the Parks Commissioner.

8. Riding of horses in the Park

(1) A person shall not ride a horse in the Park without the written permission of the Parks Commissioner.

(2) A person who desires to ride a horse in a Park shall apply in writing to the Parks Commissioner.

(3) The Parks Commissioner may approve or refuse to approve the application, giving reasons for his refusal.

(4) Where the Parks Commissioner approves the application, he shall inform the applicant in writing and upon payment of the prescribed fee issue the applicant with a permit.

(5) The Parks Commissioner may attach such conditions as he considers necessary for any permit issued by him.

(6) A person to whom a permit is granted under this regulation shall not ride a horse in any other place except the place designated in the permit.

(7) A person, who contravenes or fails to comply with a condition attached to a permit granted under these regulations, commits an offence and is liable, on summary conviction, to a fine not exceeding one thousand dollars (\$1000.00) or to imprisonment for a term not exceeding two months.

9. Dogs

(1) A person, who being the owner of, or in control of a dog, in a Park shall—

- (a) keep the dog on a leash;
- (b) not cause, permit or command such dog to annoy or disturb any person in the Park or on a public beach within the Park;

(2) A person who contravenes this provision commits an offence and is liable, on summary conviction, to a fine not exceeding five hundred dollars, (\$500.00) or to a term of imprisonment not exceeding one month.

10. Responsibilities of animal owners in the Park

Any person, who being the owner of, or in control of, any animal, including a fowl, shall not in any place within the Park—

- (a) cause or permit such animal to graze or feed or take water from any natural water-course;
- (b) cause or permit such animal to stray;
- (c) cause or permit such animal to disturb or take another animal (including, birds, reptiles, fish or invertebrate animal).

11. Vehicles

(1) A person shall not, in the Park—

- (a) ride or drive a vehicle in a manner likely to cause danger to other persons in the Park;
- (b) ride or drive a vehicle on any part thereof other than a road or place where such riding or driving is permitted by notice posted thereon;
- (c) park any vehicle in any place, other than a place where such parking is declared to be permitted by notice displayed thereon or in the vicinity thereof;
- (d) cause a vehicle to enter or exit any such area, except designated as an entrance or exit;
- (e) wash, clean or change any parts of a vehicle, repair or perform any maintenance works on a vehicle, except in case of necessity;
- (f) ride or drive a vehicle into, or allow a vehicle or vessel to remain in a restricted area after such area has been closed to the public.
- (g) abandon or dispose of any derelict vehicle or parts of such vehicle;

(2) Notwithstanding sub-regulation (3), the Authority reserves the right to remove and dispose of any derelict vehicle or part of the vehicle at the expense of the owner or the person in control of such vehicle.

(3) A person who contravenes any of the provisions of this regulation commits an offence and is liable, on summary conviction, to a fine not exceeding five thousand dollars (\$5000.00) or to imprisonment for a term not exceeding six (6) months or both.

12. Boats and other watercraft

(1) A person shall not in any Park use any boat or motorized watercraft, water skiing equipment, or subsurface diving equipment without the prior written permission of the Parks Commissioner.

(2) A person shall not moor any boat, motorized or non- motorized water craft in the approach to or in the leaf of any wharf in such a manner as to obstruct the free flow of water traffic to and from such wharf.

(3) The Parks Commissioner may erect bill boards on which to post notices indicating—

(a) the space or location for use by a type or class of boat;

(b) the time during which any boat, motorized or non- motorized or other watercraft may be moored at any wharf or any other location in the Park;

(4) A person shall not moor a boat, motorized or other watercraft whatsoever at any wharf or other location in the Park for a period of time longer than the time specified by the Parks Commissioner in the notice posted on the bill board or other notification or after such area or location has been closed to the public.

(5) A person shall not operate a boat for commercial purposes, conducting tours by sea within the vicinity of the Park without the approval of the Authority.

(6) A person who contravenes any of the provisions of this regulation commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars (\$5000.00) or to a term of imprisonment not exceeding three (3) months or both.

13. Fires

(1) A person shall not, in the Park, kindle, build, maintain, or use a fire other than with a camp stove or barbeque grill and discharge of an explosive device except under and in accordance with the permission granted by the Authority, and such activities shall be continuously under the care and direction of a competent person over 16 years of age.

(2) Any fire permitted under paragraph (1) shall be thoroughly extinguished and properly disposed of after it has served its purpose.

(3) *A person who contravenes any of the provisions of this regulation commits an offence and is liable, on summary conviction, to a fine not exceeding five thousand dollars (\$5000.00) or to imprisonment for a term not exceeding three (3) months or both.*

14. Offences and Penalties

A person who contravenes any provision of these regulations, commits an offence and where no penalty has been provided, that person is liable, on summary conviction, to a fine not exceeding five thousand dollars (\$5000.00) or to a term of imprisonment for a period not exceeding six (6) months or to both.

Made the 22nd day of November, 2012.

Hon. Eleston Montgomery Adams,
Minister responsible for National Parks.