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Tenth Session Tobago House of Assembly Republic of Trinidad and Tobago

TOBAGO HOUSE OF ASSEMBLY

BILL

A LAW to regulate the use of the Tobago Marine Parks.

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[,2020]

MADE by the Tobago House of Assembly with the approval of the President under sections 25 and 29 of the Tobago House of Assembly Act, 1996.

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PART I – PRELIMINARY

Short title

1. This Act may be cited as the Tobago Marine Parks Bill and it is proposed and adopted by the Assembly under sections 25 and 29 of the Tobago House of Assembly Act, 1996.

This Assembly Law shall come into operation on such date as the President by proclamation appoints.

Interpretation

2. In this Act-

“Authority” means the Administrator in the Division with responsibility for marine parks and includes any officer authorized by the Administrator to act on his behalf;

“catching fish” means—

- (a) searching for, taking or harvesting fish;
- (b) the attempted searching for, taking or harvesting of fish;
- (c) engaging in any activity which can reasonably be expected to result in the locating, taking or harvesting of fish; or
- (d) placing, searching for or recovering any net, fish pot, other appliance for catching fish or associated equipment including radio beacons;

“collecting” means collecting any species of marine flora and fauna either:

- (e) by hand; or
- (f) with a hand held implement that is not motorised and not pneumatically or hydraulically operated;

“fish” means any aquatic organism or part thereof, including any bony or cartilaginous fish, shellfish, marine turtle, mollusc, crustacean, cnidarian, echinoderm, or marine mammal at any stage of their development;

“Inspector” means a person appointed or otherwise authorized to enforce the provisions of:

- (a) this Act, as Reef Patrol Officer, Marine Park Manager or otherwise;
- (b) the Fisheries Act, as Fisheries Officer or otherwise;
- (c) the Conservation of Wildlife Act, as Game Warden or otherwise;

and includes officers of the Maritime Services Division and officers of the Trinidad and Tobago Coast Guard and Trinidad and Tobago Police Service, duly acting as such;

“intoxicating liquor” means any spirits, wine or beer or any liquor being mixture, beverage or preparation containing same and which on analysis thereof at any time is found to contain more than 1.2 percent A/c./Vol;

“Marine Park” means an area declared to be a Marine Park in accordance with section 3(2) of this Act;

“marine resource” means naturally occurring material within the material making up the seabed, for example, coral, limestone, shell-grit or star sand; and includes any marine biotic and abiotic resource;

“marine sport” means any sport which involves the use of boats, water skiing, swimming, snorkeling, surfing and other similar activities whether for recreation, entertainment, commercial gain or otherwise within the waters of the Marine Park, but does not include jet skiing;

“misuse of a public mooring” includes the following:

- (a) attaching a vessel to the mooring when another vessel is already attached to the mooring;
- (b) attaching a vessel (except a tender) to another vessel when that other vessel is attached to a mooring;

- (c) attaching a vessel to another vessel when that other vessel is part of a chain of two or more attached vessels, and a vessel in that chain is attached to the mooring;
- (d) reattaching the vessel to the mooring within one hour of the end of the maximum period specified on a tag or buoy attached to the mooring, if a vessel is attached to the mooring for that maximum period.
- (e) claiming to be the owner of the mooring or falsely claiming to have a preferential right to the use of the mooring;
- (f) altering or moving the mooring;
- (g) shortening a mooring rope attached to the mooring, by cutting or otherwise;
- (h) manoeuvring a vessel under power while the vessel is attached to the mooring (except when the vessel is being released from the mooring);
- (i) not complying with an instruction on a tag or buoy, if a tag or buoy attached to the mooring includes instructions for the use of the mooring;
or
- (j) removing a buoy;

“no wake zone” means where the speed of a jet ski is reduced to its lowest possible speed while not preventing the forward progression of the jet ski;

“passenger” means a person who is transported into the Marine Park by a tour operator, but who is not a person of one of the following kinds, in respect of whom the permit holder is not paid a fee for the provision of the service:

- (a) a child aged less than three years;
- (b) a member of a school supervised school group;
- (c) a person engaged in the tourism industry who is visiting the Marine Parks for trade familiarisation or who is accompanying visitors to the Marine Park as driver, guide, instructor, or for a similar reason; or

- (d) a person engaged in the newspaper, broadcasting or other information media who is visiting the Marine Park for the purpose of reporting on a matter in the Marine Park;

“pleasure craft” means a vessel however propelled, that is used exclusively for pleasure and does not carry passengers or cargo for hire or reward, but does not include a jet ski or a vessel that is provided for the transport or entertainment of lodgers at any institution, hotel, boarding house, guest house or other establishment;

“premises” includes a tent, structure or building;

“protected species” means any species of flora or fauna mentioned in the Fifth Schedule;

“public mooring” means-

- (a) a mooring that is installed in a Marine Park by or for:
 - (i) the Tobago House of Assembly; or
 - (ii) the Government of the Republic of Trinidad and Tobago; and
 - (iii) is labelled as a public mooring or otherwise intended for public use; and
- (b) includes a mooring covered by paragraph (a) that is:
 - (i) a floating buoy, tag and tackle; or
 - (ii) a structure fixing the mooring to the seabed;

“TFT vessel” means-

- (a) a vessel in relation to which a licence or other permission (however described and whether or not in force) has been granted under a law of the Government of the Republic of Trinidad and Tobago, permitting the vessel to be used to catch fish for commercial purposes; or
- (b) a vessel that is used to catch fish for commercial purposes;

“TL vessel” means a vessel in relation to which a licence or other permission (however described and whether or not in force) has been granted under a law of the Government of the Republic of Trinidad and Tobago, permitting the vessel to transport passengers or goods;

“Tourist programme” means an activity (whether consisting of a single act or a series of acts) that involves a TL vessel that:

- (a) is available for charter or hire or carries passengers for hire;
- (b) is used in the course of carrying on a business that is, or includes, the provision of transport, or services for the purpose of a tour or an educational programme;
- (c) travels in or into the Marine Park; and
- (d) is not merely transiting the Marine Park;

“Secretary” means the Secretary to whom the responsibility for marine parks is assigned;

“Tour Operator” means a permit holder who carries out a tourist programme;

“transiting” means

- (a) traversing through an area, however described, or from one place to another place, by the most direct and reasonable route; and
- (b) in the case of a vessel—in such a manner that, at all times when the vessel is on that route, the vessel is being propelled (whether by engine, sail or human power) through the water in a forward direction and is not adrift;

Application

3. (1) This Act applies to Tobago Marine Parks.

(2) The areas, the boundaries of which are set forth in the First Schedule are hereby declared to be Marine Parks.

Objectives of the Act

4. The objectives of this Act are to-
- (a) inform the manner in which a Marine Park should be utilized, taking into account its various users and uses, particularly for tourism and conservation;
 - (b) promote long term conservation, management and sustainable use of a Marine Park;
 - (c) promote conservation of the Marine Parks as areas representative of Tobago's biological diversity and its natural landscapes and seascapes;
 - (d) ensure maintenance of the diversity of species and habitats within the Marine Parks, including but not limited to threatened species and species of economic, social or cultural value;
 - (e) maintain the ecological integrity of a Marine Park while providing an avenue for generating revenue;
 - (f) reduce conflicts which occur between various users of a Marine Park; and
 - (g) implement rules and regulations to assist in the overall management of a Marine Park, ensuring public safety at all times.

PART II – THE AUTHORITY**Authority**

5. For the purposes of this Act, the Administrator of the Division having responsibility for marine affairs is the Authority.

Functions of the Authority

6. (1) The Authority shall-
- (a) consider and determine applications for access permits, transit permits and special permits;
 - (b) issue permits;
 - (c) identify areas affecting the Marine Park which require monitoring and inspection;
 - (d) advise on measures which may be taken to maintain or improve safety in the waters of Tobago;

- (e) advise on the training which permit holders should undergo in order to ensure their safety and security as well as that of their passengers;
- (f) advise on, plan, organize and pursue the training of all personnel required for the proper administration of this Act; and
- (g) do all other things necessary for carrying out the provisions of this Act.

(2) The Authority is responsible for the proper performance of his functions under this section but may for the purpose of such performance, as he thinks fit-

- (a) consult with or obtain advice from other persons or authorities; and
- (b) engage other persons to carry out work on his behalf.

PART III- ENTRY AND PERMITS

Prohibition against operating without a permit

7. (1) No person shall enter a Marine Park unless he—
- (a) holds a valid access permit or transit permit or special permit;
 - (b) is a passenger;
 - (c) is an Inspector; or
 - (d) is duly authorised by the Authority.

(2) A person not mentioned in subsection (1) or who fraudulently holds himself out as a person under sub section (1) and enters a Marine Park commits an offence and is liable to a fine not exceeding \$2,500.00 dollars or imprisonment for a term not exceeding 12 months or both.

Application for access permit

8. (1) Subject to subsection (3), a person who wishes to obtain an access permit shall make an application to the Authority.

- (2) An application under subsection (1) shall –
- (i) be in the form approved by the Authority;
 - (ii) include the information required by the form;

- (iii) be accompanied by any documents required by the form;
- (iv) be accompanied by the prescribed application fee; and
- (v) be lodged at a place or by a means specified in the form.

(3) The Authority shall only grant access permits to any of the following categories of vessels:

- (a) TL vessels;
- (b) pleasure crafts.

Considerations in granting a permit

9. The Authority shall consider the following in deciding whether to grant a permit on an application, and whether or not to impose any conditions on the permit:

- (a) if the proposed conduct will take place in a specific area of a Marine Park to which any legislative enactment applies;
- (b) whether the applicant for the permit is a suitable person to hold a permission for the proposed conduct, having regard to:
 - (i) the applicant's capacity to engage in and manage the proposed conduct to the satisfaction of the Authority;
 - (ii) the applicant's history in relation to environmental matters;
 - (iii) whether the applicant owes any fee or other amount payable under the Act; and
 - (iv) any other relevant matter;
- (c) the requirement in section 28;
- (d) the relevant impacts of the proposed conduct;
- (e) options for avoiding, mitigating and offsetting those relevant impacts;
- (f) options for monitoring and managing those relevant impacts;
- (g) any international agreement to which Trinidad and Tobago is a party, that is relevant to the proposed conduct;

- (h) any policies that are relevant to the proposed conduct and the management of a Marine Park or of its environment, biodiversity or heritage values and are published by the Authority; and
- (i) any other matters relevant to the proposed conduct and either:
 - (i) achieving the objects of the Act; or
 - (ii) orderly and proper management of a Marine Park.

Issue of access permit

10. (1) Where an application is made to the Authority under section 8 and the applicant has satisfied the requirements of this Act, the Authority may, on payment by the applicant of the prescribed permit fee and subject to subsection (2), issue a permit to the applicant.

(2) A permit issued under subsection (1) shall be in the prescribed form and shall state -

- (a) the permit number;
- (b) the conditions, if any, subject to which the permit is granted;
- (c) if the permit is issued to an individual—the name of the individual to whom the permit is issued;
- (d) if the permit is issued to a body corporate—the name of the body corporate to whom the permit is issued;
- (e) the activity that the person to whom the permit is issued is authorised to engage in;
- (f) the date the permit is granted and, if different, the date the permit comes into force; and
- (g) the period during which the permit is in force.

Withdrawal of application

11. A person who makes an application under section 8 may by written notice to the Authority, withdraw the application at any time before it is decided by the Authority.

Refusal of permit

12. (1) Where the Authority, having considered the application made under section 8, is of the opinion that the application should be refused, the Authority shall, subject to subsection (2), give notice to the

applicant of the Authority's refusal of the application, in the form prescribed.

(2) In a notice given under subsection (1), the Authority shall give reasons in writing for the refusal of the application and shall inform the applicant of his right to make written representations to the Authority under subsection (4).

(3) The Authority may refuse an application made under section 8 on the following grounds -

- (a) that the applicant has previously had a permit suspended or revoked under this Act;
- (b) the applicant has been convicted of an offence under this Act;
- (c) failure to meet the considerations under section 9; or
- (d) the applicant does not meet the requirements of the Act.

(4) An applicant who receives a notice under subsection (1) may make written representations to the Authority within 14 days after receipt of the notice.

(5) The Authority shall have regard to any representations made by the applicant within the time specified under subsection (4) and shall, within fourteen days of the receipt of the written representations, give notice in the prescribed form, to the applicant of its decision, the reasons for refusal if any, and the applicant's right to appeal to the Appeals Committee, established under Part V of this Act.

**Form/duration of
access permit**

13. A permit remains in force for the period specified in the permit unless it is revoked or surrendered before the end of that period and shall not be transferrable.

**Amendments to
permit**

14. A permit holder shall inform the Authority of any change in the information submitted to the Authority in an application made under section 8, within seven days of the change and the Authority may, if it is satisfied that the change is not material or does not amount to a breach of the permit, amend the permit.

**Suspension or
revocation of permit**

15. (1) Subject to subsection (2), where a permit holder fails to comply with any conditions subject to which the permit was issued under this Act, the Authority may, suspend or revoke the permit.

(2) A permit shall be of no effect during any period for which it is suspended, but the period of the permit continues to run.

(3) If the permit has been suspended and the permit holder has not taken the action that would enable the Authority to reinstate the permit by the end of the suspension period, the Authority may revoke the permit.

(4) Where the Authority suspends or revokes a permit, he shall give the permit holder notice in writing of the suspension or revocation of the permit, reasons for suspension or revocation, and the permit holder's right to appeal to the Appeals Committee, established under Part V of this Act.

Renewal

16. A permit may be renewed provided that-

- (a) the application for renewal is made within one month of the expiration of the permit;
- (b) the permit is not under suspension; and
- (c) the prescribed conditions of this Act are met.

Register of permits

17. (1) The Authority shall keep and maintain a register of all permits issued.

(2) The register may include copies of, and information in relation to the following:

- (a) name and address of the permit holders;
- (b) the date of issue of permits;
- (c) applications, including variations of applications;
- (d) further particulars in relation to an application mentioned in paragraph (c);
- (e) decisions of the Authority about the grant, refusal, revocation, suspension, transfer or modification of a permit;

- (f) statements of reasons given for decisions mentioned in paragraph (e);
- (g) notices relating to a matter mentioned in any of paragraphs (c) to (f); or
- (h) any other document or record that the Authority considers appropriate.

Transit permit

18. (1) No person operating a jet ski or TFT vessel shall enter a Marine Park other than for the purpose of transiting.

(2) A person mentioned in subsection (1) shall only traverse a Marine Park with a transit permit.

(3) A person operating a jet ski shall transit a Marine Park at a safe speed, assuming a no wake zone.

(4) The Authority may upon such conditions as he thinks fit, grant transit permits which shall entitle the permit holder to transit a Marine Park.

(5) Sections 8(2), 10, 11, 12, 13, 14, 15 and 16 shall apply mutatis mutandis to the grant of a transit permit.

PART IV- SPECIAL PERMITS**Applications for a special permit**

19. (1) The Authority may, upon such conditions as he thinks fit, grant to a person a special permit to research, collect or dive, on application made in writing.

(2) Sections 8(2), 10, 11, 12, 13, 14, 15 and 16 shall apply mutatis mutandis to the grant of a special permit.

Special permit - research

20. (1) The Authority may issue special permits to bona fide organizations and scientists and other qualified professionals or specialists for collection of specimens of particular species of flora or fauna, group education activities, archaeological or paleontological exploration, scientific research and related activities.

(2) All such permits shall require that copies of all data and findings from any of the activities specified in subsection (1), or any papers based on them, shall be provided to the Authority.

(3) The Authority may direct from time to time that a person mentioned in subsection (1) be accompanied by a duly authorised officer of the Tobago House of Assembly.

(4) No person shall enter or remain within a Marine Park to conduct activities under subsection (1) except under the authority and in accordance with conditions of a permit issued by the Authority on payment of the prescribed fee.

(5) For the purposes of this section, “bona fide” means adopting appropriate environmental practices and standards and having an ongoing commitment to improve those practices and standards;

**Special permit -
collecting**

21. No person shall, within a Marine Park, except under and in accordance with a special permit granted by the Authority destroy, collect or remove from its place therein any species of flora or fauna, whether dead or alive, and no such permit shall be granted unless the Authority is satisfied that such collection is necessary—

- (a) for the improvement and better management of the species therein;
- (b) for purposes under section 20; or
- (c) pursuant to legislative enactment.

**Special permit -
diving**

22. (1) Except as provided under subsection (2), no person shall dive in a Marine Park.

(2) The Authority may, on application made in writing, grant to a person who meets the prescribed criteria a special permit to dive.

(3) A diver, who is not a free diver, must have current certification with a diving certification agency recognized by the Tobago House of Assembly.

PART V –APPEALS**Constitution of the Committee**

23. There shall be an Appeals Committee which shall consist of one person each nominated by-

- (a) the Chief Secretary;
- (b) the Secretary; and
- (c) the Chief Administrator;

from among such persons as appear by them to be qualified by virtue of their knowledge of or experience in environmental issues, marine affairs, fisheries and agriculture and the natural sciences.

Functions of the Committee

24. Subject to this Act and any other written law, the Committee shall have jurisdiction to hear and determine appeals from decisions or actions of the Authority as specifically authorised under this Act.

Appeals

25. A party aggrieved or adversely affected by any decision of the Authority under this Act may appeal therefrom to a Committee within two weeks of such decision.

Term of the Committee

26. The Appeals Committee shall be appointed to serve in a periodic capacity as may be required to fulfill the objects of this Part of the Act.

PART VI- GENERAL MANAGEMENT PROVISIONS**Periods of Access**

27. The Secretary may, if he thinks fit, make a notice fixing the hours or periods on the several days, weeks or months of the year including Sundays and public holidays, during which, either a Marine Park or any specified area of a Marine Park may be opened or closed for use or entry.

User conduct

28. A person who enters a Marine Park shall take all reasonable steps to prevent or minimise harm to the environment in the Marine Park that might or will be caused by the user's use or entry.

Compliance

29. An owner of a vessel who carries passengers on such a vessel—

- (a) without it being duly licensed under the Motor Launches Act Chap 50:08; or
- (b) having on board a larger number of passengers than it is licensed to carry,

commits an offence.

Noise and special events

30. (1) No person shall play a radio, tape player, gramophone or musical instrument altogether or at a sound pressure level above 60dba within a Marine Park.

(2) No person shall host or promote an event or party in the Marine Park save and except permit holders carrying out tourist programmes, approved by the Authority.

(3) No person shall sell or distribute intoxicating liquor, within the Marine Park save and except permit holders carrying out tourist programmes, approved by the Authority.

(4) A person who contravenes subsections (1), (2) or (3) commits an offence.

Anchoring/mooring

31. (1) No person shall anchor or attempt to anchor a vessel, or deploy the vessel's anchoring equipment within a Marine Park except as designated in the Second Schedule.

(2) Except as provided in the Public Mooring Regulations which are set forth in the Second Schedule no person shall moor at a public mooring area mentioned in the Second Schedule.

(3) No person shall remove, misuse or damage a public mooring.

(4) A person who contravenes this section commits an offence.

Boat Cleaning

32. (1) Notwithstanding anything in this Act, a person operating a TFT vessel or a TL pirogue may clean the hull of his boat in a Marine Park in an area specified by the Secretary in a notice.

(2) In carrying out the activity mentioned in subsection (1), no person shall:-

- (a) use, discharge or deposit any refuse, oily liquids, waste acids, deleterious chemicals or any toxic polluting substances of any kind injurious to marine flora or fauna; or
- (b) anchor within a radius of feet from the nearest tourist programme.

(3) A person mentioned in subsection (1) shall be accompanied by no more than two persons.

(4) A person mentioned in subsection (1) shall enter a marine park with a transit permit or an access permit accordingly for the purpose mentioned in sub section (1).

Navigation

33. (1) A person operating a vessel of more than fifty feet in length shall only navigate a Marine Park through the channels set out in the Third Schedule.

(2) A person operating a vessel or a jet ski shall ensure that the vessel or jet ski adheres to the international regulations for preventing collision at sea.

(3) A person who contravenes subsections (1) or (2) commits an offence.

Marine sport

34. (1) No person shall undertake a marine sport, in a Marine Park, save and except diving in any area other than an area designated by the Secretary.

(2) A person who contravenes subsection (1) commits an offence.

(3) A person operating a jet ski in a Marine Park, save and except as provided in section 18 commits an offence.

Invasive species

35. (1) The species of marine fauna mentioned in the Fourth Schedule are hereby declared to be invasive species.

(2) No person save and except a certified diver who is trained by the Authority in the hunting and removal of such fauna and is in possession of a permit from the Director of Fisheries, may enter a

Marine Park to take, hunt and destroy any species of fauna mentioned in the Fourth Schedule.

Removal of property

36. (1) The Authority may, by notice in writing, order a person mentioned in subsection (2) to –

- (a) remove property from a Marine Park if the property has been abandoned, sunk or wrecked;
- (b) remove property from a Marine Park if there is not in force, or is no longer in force, a permit granted by the Authority for an activity that involves the property;
- (c) take action to remedy, mitigate or prevent damage to a Marine Park caused by the removal of abandoned, sunk or wrecked property; or
- (d) remove property from a Marine Park that may cause damage to a Marine Park.

(2) The order must be served on any one of following persons that the Authority is satisfied is appropriate:

- (a) the owner of the property;
- (b) the person who has control of the property;
- (c) the person who caused the property to be in the Marine Park; or
- (d) the person who last held a permit in relation to the property.

(3) If the Authority is unable to locate such person mentioned in subsection (2) within a reasonable period, the Authority may publish a notice –

- (a) on any of its social media platforms; and
- (b) in a daily newspaper of general circulation in Trinidad and Tobago.

Training

37. (1) The Authority shall advise on, plan and organize the training of all permit holders required for the proper administration of this Act.

(2) The permit holders shall undergo training in order to ensure their safety and security as well as that of the passengers.

Insurance

38. (1) No person shall use, cause or permit a vessel to be used in a Marine Park unless there is in force in relation to the use of such vessel a policy of insurance or security in respect of third party risks and of such value as may be determined by the Authority.

(2) The policy of insurance must be a policy which-

(a) is issued by a person who an authorised insurer;

(b) offers specific coverage in respect of-

(i) accidental bodily injury (whether or not the injury is fatal) to any person other than a person who at the time of sustaining such injury is engaged in the service of the insured;

(ii) accidental damage to any property specified in subsection (2) (c), caused by or arising out of any marine sport;

(c) the property mentioned in subsection (2) (b) (ii), is any property other than property-

(i) belonging to or held in trust by or in the custody or control of the insured or his servant or agent;

(ii) being that part of any property or premises on which the insured or his servant or agent is or has been working.

Charges on tickets

39. (1) A standard charge is payable to the Tobago House of Assembly, in accordance with this section, for each ticket sold to a passenger to take part in a tourist programme in a Marine Park.

(3) The amount of the charge referred to in subsection (1) will be specified by the Secretary in a notice.

Offences

40. (1) No person shall, within a Marine Park, except with a permit or the written permission of the Authority-

(a) hunt, shoot, kill or take any species of fauna, or take or destroy any egg or nest of any fauna;

(b) damage, collect, remove from its place or destroy any species of flora or marine resource, save as provided in section 21;

- (c) cast or place any net or fish pot or any other appliance for fishing;
- (d) carry firearms, spears, traps or other means for hunting or catch fish, save as otherwise provided for in this Act;
- (e) make physical contact with a coral;
- (f) catch fish by any means whatsoever;
- (g) permanently or temporarily reside in or build any structure of whatever nature whether as a shelter or otherwise;
- (h) modify or replace any sign and facilities provided for public use and enjoyment;
- (i) litter;
- (j) introduce organic or chemical pollutants into any water or otherwise pollute any area.

(2) A person who contravenes subsection (1) commits an offence.

(3) A person who engages in an activity in subsections (1) (a), (b) and (f) in relation to a protected species commits an offence and shall be liable to a fine of twenty thousand dollars or imprisonment for a period of two years, or to both such fine and term of imprisonment.

General Offences and Penalties

41. (1) A person who contravenes or aids in the contravention of any provision of this Act or any regulation made hereunder for which no punishment has been specified, commits an offence and on summary conviction is liable to a fine not exceeding twenty thousand dollars, and if the offender has within a preceding period of five years been convicted of an offence or has paid compensation for such an offence within that period, he shall be liable to a fine not exceeding twenty thousand dollars or imprisonment for a period not exceeding two years, or to both such fine and term of imprisonment.

(2) In addition to any sentence imposed under subsection (1), the court may order the cancellation of any permit granted under the provisions of this Act or any regulations made hereunder and the forfeiture of any natural object of value in respect of which an offence has been committed and of any vehicle, vessel or other transport or equipment used in the commission of the offence.

(3) When a person is convicted of an offence the court may, in addition to any other penalty provided by this Act or any other enactment, assess the amount of any damage which may have been caused by such offender and cause the same to be recovered in such manner as if it were a fine or, in the case of unauthorized establishments, buildings, huts or enclosures in a Marine Park may order the removal of the same within such period as may be fixed and the restoration of the places as nearly as possible to their previous condition.

PART VII- INSPECTORS AND ENFORCEMENT PROVISIONS

Inspector to produce identification card

42. The Inspector must:

- (a) identify the inspector's position as an inspector when giving any direction; and
- (b) produce the inspector's identification card at the first practicable opportunity to the person to whom the direction is given.

Power of inspector to give directions

43. For the purpose of ensuring that the Act is complied with, an Inspector may, in accordance with this section, give reasonable directions to a person:

- (a) who is within a Marine Park; or
- (b) who is outside a Marine Park and who the inspector believes on reasonable grounds may enter, or who has recently entered and left a Marine Park.

Powers of Inspector to require person to leave a Marine Park

44. An Inspector may require any person in a Marine Park to leave the Marine Park or the zone or location within a Marine Park where the person is found, for a period that is reasonable and in all the circumstances for a period not exceeding 24 hours, if the Inspector reasonably suspects the person has committed an offence against the Act.

Search, seizure

45. (1) An Inspector may:

- (a) when he has reasonable grounds to suspect that a person is in possession of any object in respect

of which an offence against this Act has been committed, search such person or any baggage, parcel, vehicle, vessel or premises under the control, custody or possession of such person or his agent or employee;

- (b) seize any object in respect of which he has reasonable grounds to believe that an offence has been committed;
- (c) arrest any person he has reasonable grounds to suspect of having committed any offence if the person refuses to reveal his name and residence, states a name and residence which there is reason to believe is false or gives reason to believe he will abscond.

(2) Any object seized and any person arrested under this section shall, without unnecessary delay, be brought before the nearest magistrate.

**Producing permit,
arrest without
warrant**

46. (1) An Inspector may stop and detain any person, whom he sees doing any act for which a permit is required under the provisions of this Act, for the purposes of requiring such person to produce the permit and if such person fails to produce the permit, he may be arrested without warrant and shall be guilty of an offence against this Act.

(2) A person detained or objects seized under the foregoing power, shall forthwith be taken before a magistrate to be dealt with according to law.

Power of entry

47. An Inspector may at any reasonable time enter any vessel used in or in facilitating marine sport for the purpose of making an inspection or examination as in his opinion may assist in the enforcement of this Act.

**Duty to give
assistance.**

48. The owner of any premises, vehicle or vessel entered by an Inspector under section 47 and any employee or agent present at the time of entry shall give the Inspector all reasonable assistance to enable the Inspector to carry out his duties or function under the Act and shall furnish the Inspector with such information as the Inspector may reasonably require to carry out his functions.

**Assault etc. on
Inspector**

49. A person who assaults, obstructs, resists or interferes with an Inspector in the execution of his duty, or any person who aids or incites another person so to assault, obstruct, resist or interfere with an Inspector in the execution of his duty, or who declines to facilitate an Inspector, commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or imprisonment for a term of twelve months or both.

Regulations

50. (1) The Secretary, may from time to time make Regulations for the implementation and regulation of matters under this Act and such regulations may provide that the contravention of any of them shall be an offence.

(2)The Secretary may make Regulations altering and amending the Schedules.

FIRST SCHEDULE

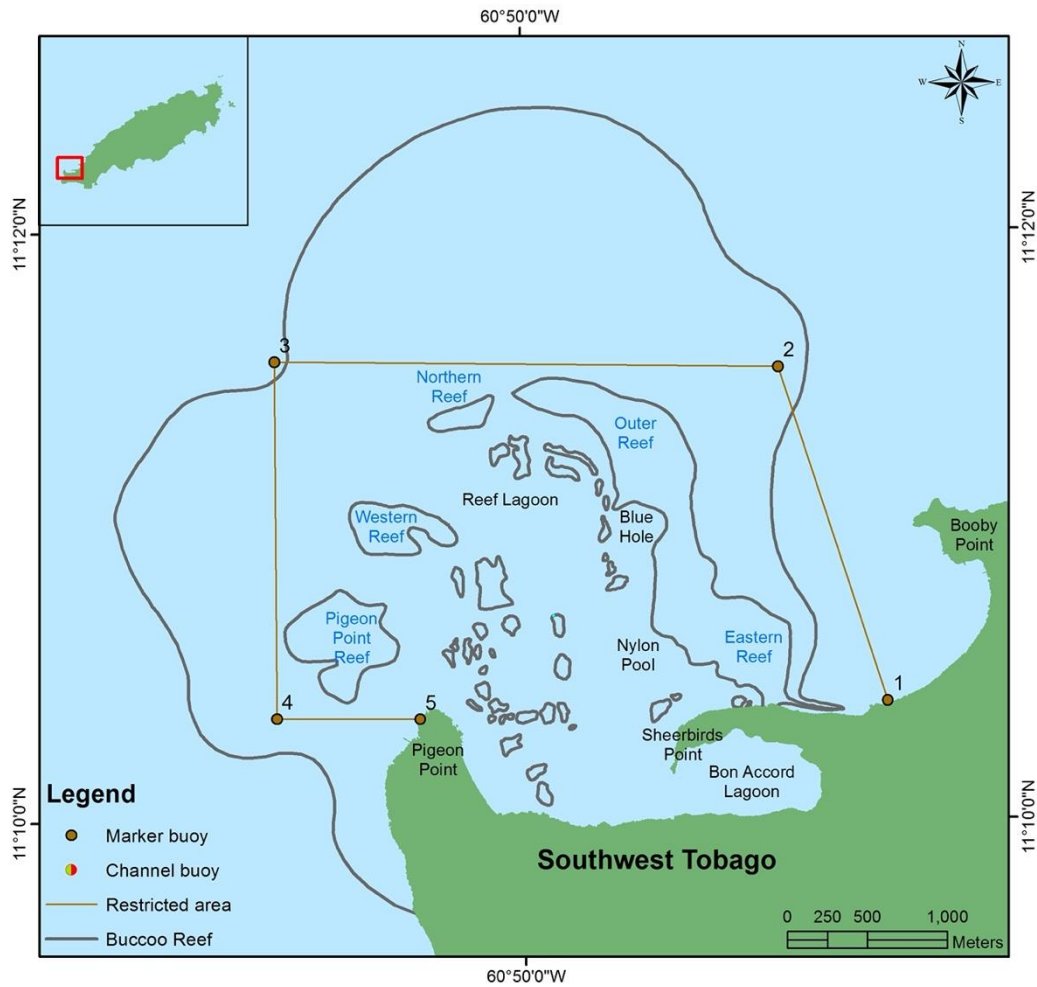
Section 3

DESCRIPTION OF THE MARINE PARKS

BOUNDARY DESCRIPTION OF BUCCOO REEF

1. The area known as the Buccoo Reef, the limits of which are more precisely described as follows:

BUOY_ID	X COORDINATE (WGS84 UTM ZONE 20N)	Y COORDINATE (WGS84 UTM ZONE 20N)	BUOY_TYPE
1	738877.48	1236030.79	boundary marker
2	738188.76	1238118.51	boundary marker
3	735034.38	1238142.51	boundary marker
4	735051.93	1235907.76	boundary marker
5	735949.70	1235907.70	boundary marker



SECOND SCHEDULE*Section 31***PUBLIC MOORING RULES AND REGULATIONS*****Areas of Permitted anchoring:***

1. Nylon Pool
2. Sheerbird's Point (No Man's Land)
3. Bon Accord Lagoon

Areas of Permitted mooring:

1. Coral Gardens
2. Bon Accord Lagoon
3. Gibson Jetty

Public Mooring Regulations***Mooring – Coral Gardens***

1. The vessel must be no longer than 50 feet;
2. Only one vessel is permitted per mooring;
3. No more than two hours is permitted for mooring;
4. A rope must be attached to the mooring, at a pay out of half the vessel length;
5. The mooring must not be pulled on to the vessel.

Mooring – Bon Accord Lagoon

1. It shall be lawful for persons to anchor in the Bon Accord Lagoon in response to Acts of God.
2. Anchoring will be regulated by the Authority in times of Acts of God.

THIRD SCHEDULE

Section 33

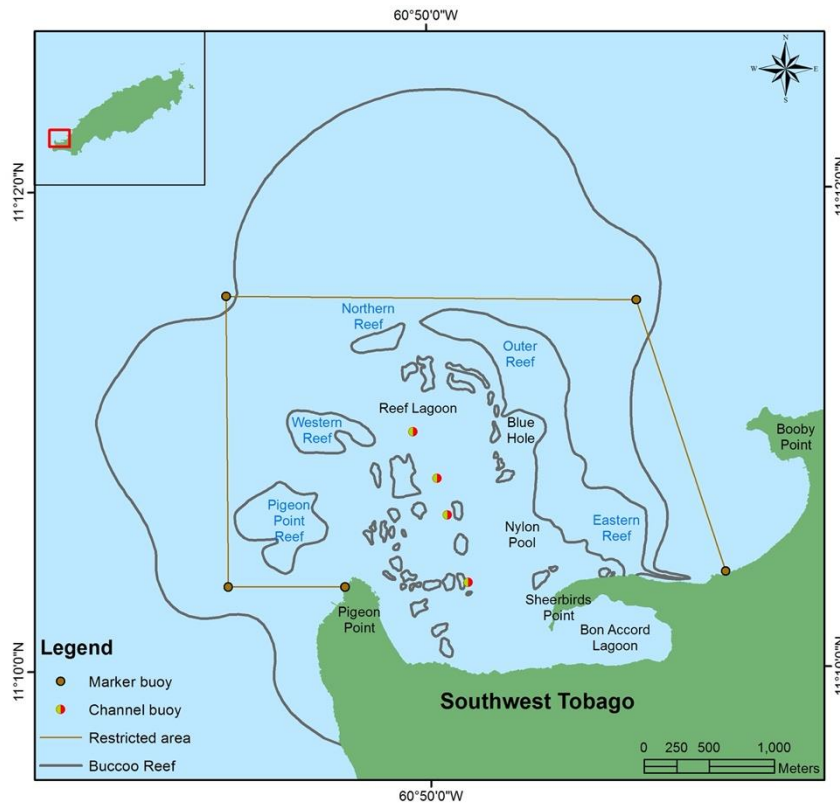
CHANNELS

1. Buccoo Reef Marine Park- Marked Channel #1

Buoy	Longitude	Latitude	Light Characteristic
Channel Buoy 1 (Red)	60° 50' 05.93"	11° 10' 59.09"	FL 3S
Channel Buoy 1 (Green)	60° 50' 05.61"	11° 10' 59.84"	FL 3S
Channel Buoy 2 (Red)	60° 49' 58.34"	11° 10' 47.72"	FL 3S
Channel Buoy 2 (Green)	60° 49' 57.54"	11° 10' 47.85"	FL 3S
Channel Buoy 3 (Red)	60° 49' 56.00"	11° 10' 38.42"	FL 3S
Channel Buoy 3 (Green)	60° 49' 55.31"	11° 10' 38.53"	FL 3S
Channel Buoy 4 (Red)	60° 49' 51.03"	11° 10' 21.54"	FL 3S
Channel Buoy 4 (Green)	60° 49' 49.94"	11° 10' 21.84"	FL 3S

NB – The port (left) side channel buoys are marked with green marine buoys while the starboard (right) side is marked with red marine buoys.

- Light characteristic indicates a flash every 3 seconds



Passed in the Senate this day of 2020.

Clerk of the Senate