

ASCENSION



NATIONAL PROTECTED AREAS (ASCENSION) ORDINANCE, CAP. A20

NATIONAL PROTECTED AREAS REGULATIONS, 2014

In exercise of the powers conferred by section 8 of the National Protected Areas (Ascension) Ordinance, 2003, (“the Ordinance”) the Governor makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the National Protected Areas Regulations, 2014, and shall come into force on 28 July 2014.

Interpretation

2. In these Regulations, unless the context otherwise requires—
- “**animal or plant**” means any marine or land plant, vertebrate or invertebrate;
 - “**area of historical interest**” means the area so declared and described in the National Protected Areas Order, 2014;
 - “**artifact**” means any human-made object that is of anthropological, historical or artistic value, including carvings and drawings in, or on, rock;
 - “**beach**” means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form;
 - “**Bahamas Agreement**” means the Bahamas Long Range Proving Ground Agreement dated 25 June 1956;
 - “**development**” includes any change in use of land, the erection of any structure, the laying of underground cables or pipework and the carrying out of any drainage, dredging or sewerage scheme.
 - “**motor vehicle**” means any self-propelled wheeled vehicle, including cars, trucks, motorcycles, scooters and all-terrain vehicles;
 - “**motor vessel**” means any apparatus propelled, or capable of being propelled, on the sea by use of an on board or outboard motor, including sail vessels containing motors;
 - “**national park**” means an area so declared and described in the National Protected Areas Order, 2014;
 - “**national protected area**” means an area given specific protection under the National Protected Areas Order, 2014;

“**nature reserve**” means the area so declared and described in the National Protected Areas Order, 2014;

“**Reserve Warden**” means a person appointed in accordance with Regulation 14;

“**protected species**” means any animal or plant listed as protected in the Wildlife Protection Ordinance, 2013;

“**sanctuary**” means an area so declared and described in the National Protected Areas Order, 2014;

“**turtle season**” means the period between the 1st day of December through to the 1st day of July in each calendar year;

“**United States of America Base Personnel**” means persons in the service of the Government of the United States of America, or of a contractor of that Government, as provided for by the Bahamas Agreement;

“**vessel**” means any vehicle which travels on water and includes ships, boats, dinghies, windsurfers, jet skis and any motorised vessel.

“**warden**” means a reserve warden or assistant reserve warden.

General Prohibitions

3. All or any of the following are prohibited within national protected areas if done without the prior permission of the Administrator:

- (a) any development;
- (b) the improving or altering of any existing structure;
- (c) the removal of sand, soil or rock;
- (d) the intentional or reckless disturbance to, or damage or injury to, any protected species;
- (e) the dumping of refuse, chemicals, abandoned vehicles, scrap metal, mining spoils, toxic or other wastes, bilges, oil and other petroleum products, pesticides and other items harmful to animals or plants, or unsightly items;
- (f) the driving or riding of motor vehicles other than on public roads as defined in the Road Traffic Ordinance, Cap. A25, or in a signed parking zone;
- (g) parking a vehicle, except in a signed parking zone;
- (h) the making of fires without a permit other than in a portable stove or grill, or in designated fire pits;
- (i) play any musical instrument, radio, sound system, television or other item which produces or reproduces music, to the annoyance of other persons; and
- (j) the use or possession by any person, other than a Warden acting in the course of his duties, of any type of firearm, air gun, cross bow, bow and arrow or slingshot.

National Parks

4. In addition to the general prohibitions set out in Regulation 3, the following is prohibited within all national parks if done without the prior permission of the Administrator:

- (a) the taking of any animal or plant by any method out of the national park area;
- (b) the tampering or interference in any way with any natural spring or “drip”; and
- (c) the intentional or reckless destruction of or damage to any building, artefact or enclosed concrete water catchment area.

Beach Nature Reserves

5. (1) In addition to the general prohibitions set out in Regulation 3, the following are prohibited within all beach nature reserves if done without the prior permission of the Administrator:

- (a) the occupation of beach huts after 9pm during turtle season;
- (b) the lighting of beach huts after 9pm during turtle season;
- (c) allowing of unaccompanied dogs;
- (d) allowing dogs off their leash between sunset and sunrise;
- (e) the driving or parking of any motor vehicle on the beach;
- (f) water skiing and the operating of jet skis during turtle season;
- (g) pitching or erecting any tent on the beach during turtle season;
- (h) the installation of artificial lighting fixtures that are directly visible from the beach, or which indirectly illuminate the beach.

(2) For the purpose of this Regulation, “beach nature reserves” means Long Beach Reserve, South West Bay Beach Reserve and North East Bay Beach Reserve.

Bird Nature Reserves

6. (1) In addition to the general prohibitions set out in Regulation 3, the following are prohibited within all bird nature reserves if done without the prior permission of the Administrator:

- (a) allowing any dogs or cats within the reserve;
- (b) taking any animal or plant from the Mars Bay Nature Reserve anchialine ponds:
and
- (c) entry into, swimming or bathing in the Mars Bay Nature Reserve anchialine ponds.

(2) For purposes of this Regulation, “bird nature reserves” means Letter Box Peninsula Nature Reserve, Mars Bay Nature Reserve and Waterside Fairs Nature Reserve.

Sanctuary

7. In addition to the general prohibitions set out in Regulation 3, the following are prohibited within all sanctuaries if done without the prior permission of the Administrator:

- (a) access by the public, unless with the prior written approval of the Administrator in form S/1 set out in the Schedule;
- (b) the intentional introduction, either temporary or permanent, of any animal or plant not indigenous to the site; and
- (c) the removal of any artefact.

Area of Historical Interest

8. In addition to the general prohibitions set out in Regulation 3, the following are prohibited within all areas of historical interest, if done without the prior permission of the Administrator:

- (a) any alteration to the outward appearance of any structure;
- (b) the removal of any artefact; and
- (c) the intentional or reckless destruction of any building or artifact.

Fees

9. (1) The Administrator may determine fees to be charged for—
- (a) entrance to a national protected area; and
 - (b) the issue of any permit under these Regulations.

(2) Where a fee is determined for entrance to a national protected area, a person may not enter or remain in the protected area unless the appropriate fee has been paid:

Provided that this section shall not apply so as to levy any fee against the United States Government for entry to Mars Bay Nature Reserve, Waterside Fairs Nature Reserve and South West Bay Nature Reserve.

Opening and closing of National Protected Areas

10. (1) The Administrator may, by causing a notice to be published on the official notice board, give notice of the hours during which a national protected area is open to the public.

(2) The Administrator may vary or revoke a notice under this Regulation at any time by subsequent notice published on the official notice board.

(3) The Administrator may close a national protected area or any part of a national protected area—

(a) if the closure is necessary or desirable for the proper management of the national protected area: or

(b) if the closure is necessary or desirable to protect any protected wildlife species; or

(c) if it is in the interest of public safety to close the national protected area.

(4) A person must not, without permission of the Administrator, enter or remain in a national protected area when it is closed to the public.

(5) The Administrator may impose conditions under which access to a national protected area is permitted.

Setting aside a National Protected Area or part of a National Protected Area for a particular use

11. (1) The Administrator may by order published on the official notice board, set aside a national protected area or part of a national protected area, as an area in which a particular activity may be undertaken by visitors to the national protected area.

(2) A notice may impose such conditions in relation to the activity and may be revoked or varied by the Administrator at any time by subsequent notice published on the official notice board

(3) A person commits an offence if they contravene or fail to comply with a condition.

Administrator's duty to consult

12. (1) In exercising any of his powers under this Regulation, the Administrator must obtain and take into account the written opinion of the Head of Conservation and the Island Council Biodiversity & Fisheries Committee as to whether the exercise of that power is likely to have any significant impact on the ecological integrity or aesthetic value of the national protected area.

Right to make representations to the Governor

13. (1) Any person whose application for a permit is refused, or is granted subject to conditions, shall have the right to make written representations to the Governor:

Provided that the fact of making or desiring to make written representations to the Governor shall not operate as a postponement of the refusal or the application of the permit on those conditions, unless the Governor so orders.

(2) The Governor may, after considering any representations made under subsection (1), and acting in his discretion, either confirm, alter or revoke the decision or permit

conditions (as the case may be) which is the subject of the representations, and give such ancillary directions as he may deem appropriate.

Enforcement

14. (1) The Administrator shall from time to time appoint a person to be Reserve Warden who, subject to the provisions of the Ordinance and these Regulations, shall have the control and management of the national protected areas.

(2) The Administrator may appoint Assistant Reserve Wardens whenever he considers it appropriate to do so.

(3) All duly appointed Police Officers, Conservation Officers and Sea Fisheries Officers shall be deemed to be Assistant Reserve Wardens for the purpose of these Regulations.

(4) The provision of these Regulations shall be enforced by the Reserve Warden and all Assistant Reserve Wardens, who shall have the power—

- (a)* to enter all parts of a national protected area for the purpose of preventing the commission of any offence under the Ordinance or any Regulations made pursuant thereto;
- (b)* to arrest without warrant any person committing an offence or whom the Reserve Warden reasonably suspects to be committing, to have committed, or be about to commit, an offence; and
- (c)* to seize any article, item or thing of whatever kind that he reasonably suspects has been used in the commission of an offence and to detain the same until the determination of proceedings in respect of that offence.

Application of Regulations

15. (1) The Reserve Warden and Assistant Reserve Wardens are not subject to these Regulations in relation to the performance of their functions or the exercise of their powers as a warden and an employee of the Conservation department is not subject to these regulations in relation to the performance of the duties of their employment.

(2) United States of America Base Personnel are not subject to these Regulations in relation to the performance of their functions or the exercise of their duties under the Bahamas Agreement.

Offences and penalties

16. (1) A person contravening these Regulations commits an offence and shall be liable on summary conviction to a fine not exceeding £20,000 or imprisonment for a term not exceeding 12 months or both such fine and imprisonment.

(2) If an offence under sub-regulation (1) is a continuing one, the person convicted of it is liable to a further fine not exceeding £500 for every day or part of a day on which the offence has continued.

(3) The court before which any person is convicted of an offence under this Regulation may order—

- (a)* the forfeiture to the Crown of any item, article or thing used in the commission of the offence;
- (b)* that the person so convicted shall pay the cost of repairing any damage to a national protected area caused by the commission of such offence.

(4) An item, article or thing forfeited pursuant to sub-regulation (3)(a) shall be destroyed, unless the Administrator directs that it be disposed of in some other specified manner.

Acts done with lawful authority or reasonable excuse

17. It shall be a defence for a person charged with an offence under these Regulations to prove that he had lawfully authority or reasonable excuse for carrying out the act charged.

Revocation

18. The Green Mountain National Park Regulations, 2010 and the Green Mountain Protection Ordinance, A16 are revoked.

SCHEDULE

FORM S/1

**NATURE RESERVES, SANCTUARIES AND AREAS OF HISTORICAL INTEREST REGULATIONS
2014**

PERMIT FOR ACCESS TO SANCTUARY

..... [Name of applicant(s)]

of [Address]

.....

.....

is hereby granted permission to enter [name of Sanctuary]

.....

between the following dates:

..... [Start date]

..... [End date]

subject to the provisions of the Nature Reserves, Sanctuaries and Areas of Historical Interest Regulations and subject to the following conditions -

1. This permit must be carried at all times by the holder during the exercising of permission granted herein.

2.

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Made by the Governor this 28th day of July, 2014.

Roy Burke
Chief Secretary of St Helena