ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER M30

MARINE PARKS ACT

Showing the Law as at 15 December 2000

Published by Authority

Printed in
The Attorney General's Chambers
ANGUILLA

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MARINE PARKS ACT

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MARINE PARKS ACT

Interpretation

1. In this Act—

"Controlling Officer" means any person so appointed by the Governor under section 4;

"fish" means fish of any kind found in the sea and includes corals, crabs, lobsters, shrimps, prawns, turtles, mussels, cockles, oysters and any species of other marine fauna and includes any eggs or any part of such fish as aforesaid;

"fishing implement" means any net, line, hook, float, barrel, buoy, cage, trap, spear gun or other instrument, engine or implement used or intended to be used for the purpose of fishing;

"flora and fauna" means the plant and animal constituents, both living and non-living, of a marine park and includes shells, any part of a coral reef, or other deposit in its natural condition;

"marine areas" means the waters and the seabed thereunder within the territorial waters of Anguilla and includes any adjoining land or beach areas which form within certain areas a single ecological entity;

"marine park" means any area so designated by the Governor under section 2;

"wreck" means sunken boats, ships or derelicts, or any part of them abandoned by their owners and by the Receiver of Wreck found within the territorial waters of Anguilla.

Governor may designate marine parks by regulation

2. The Governor may by regulation designate any portion of the marine areas of Anguilla as a marine park where he considers that special steps are necessary for—

(a) the protection of the fish, the flora and fauna and wrecks found in such areas;

(b) preserving and enhancing the natural beauty of such area;

(c) the promotion of the enjoyment by the public of such areas; and

(d) the promotion of scientific study and research in respect of such areas.

Map of marine park

3. (1) There may be deposited with the Controlling Officer in Anguilla a map delineating each marine park, and such map shall be signed by the Controlling Officer.

(2) In any proceedings under this Act, a copy of a map deposited with the Controlling Officer under subsection (1) and duly certified to be a true copy thereof by the Controlling Officer shall be receivable in evidence and shall be *prima facie* evidence of the boundaries of the marine park to which it relates.

Appointment and powers of Controlling Officer

4. The Governor may appoint any person as Controlling Officer with the responsibility for the control and management of any marine park in accordance with the provisions of this Act or of any regulations made thereunder, and the Controlling Officer may be given power under any such regulations to restrict entry to a marine park and to erect fences, boundary marks, notices and direction indicators and to give directions.

Acquisition of land for marine parks

5. (1) Where the Governor considers that it is necessary to acquire any private land for the use of a marine park, he shall enter into negotiations with the owners or other persons entitled to grant rights in the land for the purpose of acquiring the land.

(2) Where it is not reasonably practicable to acquire any such land by private negotiations for any of the following reasons—

(a) that the owner or the other person with power to grant the right are numerous or have conflicting interests;

(b) that the owner or other person with power to grant the right, or any of them, cannot be ascertained or cannot be found;

(c) that the owner or other person from whom the right must be obtained, or any of them, have not the necessary powers of disposition whether by reason of defect in title, legal disability or otherwise;

(d) that the owner or other person with the power to grant the right refuses to grant it;

the Governor may by means of an order published in the *Gazette* acquire such land and upon such order being published the land specified in the order shall, subject to the provisions hereinafter contained, vest in the Crown.

(3) For the purposes of arriving at compensation for any land so acquired, the provisions of the Land Acquisition Act shall apply.

(4) The acquisition of land for any of the purposes of this Act is hereby declared to be a public purpose.

(5) In this section, "land" includes any interest in land.

Crown not prejudiced

6. Nothing in this Act shall prejudice any right of the Crown in relation to a marine park or to any marine areas or property therein.

Regulations

7. (1) The Governor may make regulations generally for the purpose of giving effect to this Act, and in particular, may provide for all or any of the following matters—

(a) the protection of the flora and fauna and wrecks in marine parks and the establishment of offences in connection therewith;

(b) the care, control and management of the marine parks, including the search, seizure and arrest of any person, fishing implement, vessel or carrier;

(c) the regulation of the use and enjoyment of marine parks;

(d) the regulation of the use of parking and refreshment facilities;

(e) the licensing of boats and craft employed in the transportation of persons visiting marine parks, and the licensing of any guides required by such visitors;

(f) the ensuring of public rights of way over private property to allow access to marine parks;

(g) prohibition or restriction of—

(i) mooring or anchoring of vessels in a marine park,

(ii) scuba diving or underwater filming in a marine park or any other filming of or in a marine park, or

(iii) any other activity likely to result in damage to a marine park or anything therein;

(h) the charging of fees for any of the services provided in marine parks;

(i) the seizure and confiscation of any flora or fauna or wreck or any part thereof taken in contravention of this Act or any regulation made thereunder and of any vessel or carrier upon which the same may be found together with any fishing implement found on such vessel or carrier;

(j) the payment of all sums for carrying this Act into effect.

(2) Any person who commits an offence against any regulation made under this Act is liable to a fine of $5,000 or to a term of imprisonment of 6 months, and in the case of a continuing offence to a further fine of $100 for each day on which the offence continues.

Citation

8. This Act may be cited as the Marine Parks Act, Revised Statutes of Anguilla, Chapter M30.

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