ANGUILLA

REVISED REGULATIONS OF ANGUILLA

under

MARINE PARKS ACT
R.S.A. c. M30

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

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Revised Regulations of Anguilla: M30-1

MARINE PARKS ACT (R.S.A. c. M30)

MARINE PARKS REGULATIONS

Note: These Regulations are enabled under sections 2 and 7 of the Marine Parks Act, R.S.A. c. M30.

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Interpretation

1. In these Regulations—

"Act" means the Marine Parks Act;

"authorised person" has the same meaning as in section 4 of the Fisheries Protection Act;

"Controlling Officer" means the Controlling Officer appointed under section 4 of the Act;

"locally owned vessel" means any vessel—

(a) wholly owned by the Government of Anguilla or any public corporation established by or under any law;

(b) wholly owned by one or more persons belonging to Anguilla; or

(c) wholly owned by any company, society or other association incorporated or established under the laws of Anguilla of which at least 75% of the voting rights are held by persons belonging to Anguilla;

"marine park" means any portion of the marine areas of Anguilla designated under section 2 as a marine park;

"marine product" includes any fish, aquatic animal, turtle, coral, cetacean, crustacean or mollusc and any vegetable matter living in water;

"persons belonging to Anguilla" means persons regarded as belonging to Anguilla under the Constitution of Anguilla;

"scuba" means self-contained underwater breathing apparatus;

"vessel" means any craft of any description used or capable of being used as a means of transport on, through or under water.

Marine parks designation

2. The areas designated in Schedule 1 are marine parks.

Mooring and anchoring by permit

3. (1) No vessel shall be moored or anchored in a marine park except under the authority of, and in accordance with the terms and conditions of, a permit issued for that purpose by the Controlling Officer.

(2) Notwithstanding any other provisions of these Regulations, no vessel shall be moored or anchored in a marine park between the hours of 7 p.m. and 6 a.m.

(3) Any person who moors or anchors a vessel in contravention of subsection (1) or (2) commits an offence.

Restriction on filming in marine parks

4. No person shall carry out any filming of any marine park or in a marine park or use the name of a marine park for advertising or for any other activity connected with any trade or business except under the authority of, and in accordance with the terms and conditions of, a permit issued for that purpose by the Controlling Officer.

Restriction on fishing and scuba diving in marine parks

5. (1) No person, other than a person belonging to Anguilla, shall—

(a) fish in a marine park; or

(b) scuba dive in a marine park except—

(i) under the authority of, and in accordance with the terms and conditions of, a permit issued for that purpose by the Controlling Officer, or

(ii) under the supervision and control of a person licensed to operate a scuba diving business in Anguilla.

(2) No person shall scuba dive in a marine park without displaying a "Diver Down" flag.

Camping, business, etc., in marine parks

6. No person shall camp or carry on any business or erect any structure within a marine park except under the authority of, and in accordance with the terms and conditions of, a permit issued for that purpose by the Controlling Officer.

Restriction on introduction of flora and fauna

7. No person shall introduce into a marine park any flora and fauna without the prior written permission of the Controlling Officer.

Prohibitions on damage, etc., to flora or fauna or artifacts

8. No person shall damage or remove the flora or fauna of a marine park or any artifact found or located in a marine park or do anything that is likely to result in damage to such flora or fauna or artifact.

Offences in relation to safety, etc.

9. No person when in a marine park shall—

(a) exceed the speed limits for vessels or vehicles specified by the Controlling Officer;

(b) carry out any activity that is likely to endanger the health and safety of any other person;

(c) engage in water skiing;

(d) discharge any bilge or sewage or dump any form of litter or pollutant; or

(e) make or build any fire.

Provisions as to buoys

10. (1) No person shall, install or cause to be installed in any marine park any moorings or buoys without the prior written permission of the Controlling Officer.

(2) The Controlling Officer may grant permission for the installation of moorings and buoys subject to such conditions as he may consider appropriate including a condition that such moorings or buoys once installed shall vest in and become the property of the Government of Anguilla.

(3) Any person may apply to the Controlling Officer for the lease of a single-user buoy.

(4) An application for the lease of a single-user buoy under subsection (3) shall be made to the Controlling Officer and may be granted on such terms and conditions as the Controlling Officer shall deem appropriate, but the period of any one grant shall not exceed 12 months.

(5) In subsection (4), "single-user buoy" means any buoy which is reserved by the Controlling Officer for the use of any specified person for a specified period of time.

Powers and functions of the Controlling Officer

11. The Controlling Officer may—

(a) erect or cause to be erected fences, boundary marks, notices and direction indicators in or around a marine park;

(b) remove or destroy, or cause to be removed or destroyed, any structures unlawfully erected in a marine park, or any other thing, object or material found in a marine park that, in his opinion, may be detrimental to a marine park;

(c) designate any area or place in a marine park—

(i) as a place for the mooring or anchoring of vessels, or

(ii) for any other specific purpose which in his opinion is reasonably required for the discharge of his powers, functions or duties under these Regulations;

(d) specify the speed limits for vessels or vehicles authorised to use the marine park;

(e) appoint, with the approval of the Governor, such number of officers and servants as he may consider necessary for the proper and efficient discharge and performance of his duties and functions under these Regulations; and

(f) delegate any of his duties or functions under these Regulations to any officer or servant appointed under paragraph (e).

Obtaining of permits

12. (1) Any application for any permit under these Regulations shall be made to the Controlling Officer and shall be in Form 1 of Schedule 2 and shall be accompanied by the appropriate fee.

(2) An application for a permit in respect of any vessel, other than a locally owned vessel, shall be accompanied by a cruising permit which is valid for the relevant period of the permit to be issued under these Regulations.

(3) The Controlling Officer may, upon payment by the applicant of the appropriate fee as specified in Schedule 3, issue a permit to the applicant subject to such conditions as he may deem appropriate and in Form 2 of Schedule 2.

(4) No fees shall be levied for a permit issued for any purpose set out in section 3(1) in respect of a locally owned vessel if such vessel does not carry fare-paying passengers.

(5) A permit issued under these Regulations shall not be transferable.

(6) A permit issued for any purpose referred to in section 3(1) shall be renewable upon payment of the appropriate fee specified in Schedule 3 for a like period, but the aggregate of such renewal periods shall not exceed 1 year.

Duplicate permit

13. Where a permit is lost, damaged, destroyed, defaced or rendered illegible, the Controlling Officer may, upon application made to him and upon payment of the fee specified in Schedule 3 issue a duplicate permit.

Revocation or suspension of permit

14. (1) If it appears to the Controlling Officer that any holder of a permit issued under these Regulations has violated or failed to comply with any term or condition of any such permit, he may, without prejudice to any other action which may be taken under these Regulations against such holder of a permit, revoke or suspend such permit.

(2) Where a permit is revoked or suspended, the Controlling Officer shall as soon as possible notify the person to whom the permit has been issued of such revocation or suspension.

Arrest of persons and seizure of vessels, etc.

15. (1) Without prejudice to any other powers conferred upon them by any other law, the Controlling Officer, or any authorised person, or any customs officer or any person appointed under section 11 may—

(a) board any vessel moored or anchored in a marine park and require to be produced for the purpose of examining or taking copies—

(i) any permits issued under these Regulations, or

(ii) any ship's log, passenger list, crew list, manifest or other official document relating to the vessel;

(b) stop, board and search any vessel or carrier suspected to have acted or to be acting in contravention of these Regulations;

(c) seize any vessel, carrier, fishing implement, mooring or buoy or any other thing used in contravening these Regulations;

(d) seize any fish, flora, fauna, artifact or wreck or any part thereof taken by any person in contravention of these Regulations; or

(e) make any inquiry which he deems necessary to determine whether any offence against these Regulations has been committed.

(2) Any vessel, carrier or other thing seized under the provisions of subsection (1) shall be taken to the nearest or most convenient port in Anguilla and the vessel, carrier or other thing seized may be detained.

(3) No action shall lie against any person referred to in subsection (1) in respect of anything done or omitted to be done by him in good faith in the exercise of his powers under these Regulations.

Forfeiture

16. (1) Upon the conviction of any person for an offence under these Regulations, the court may make such order as the court thinks fit as regards the disposal of anything seized or detained under the powers conferred by the Act or these Regulations and may order the forfeiture to the Crown of any property so seized or detained or of any other property which appears to the court to have been used in connection with the offence of which the accused person is convicted.

(2) Without prejudice to any other powers conferred by any other law, upon the conviction of a person for an offence under the Act or these Regulations, the court may, in addition to any other penalty which it

imposes for that offence, order that any permit issued under these Regulations to the person convicted shall be revoked with effect from the date of his conviction.

(3) Any marine product or other property of a perishable nature seized or detained under these Regulations may be sold at the direction of the Controlling Officer, and the proceeds of sale shall be held and dealt with in the same way as any other property seized under these Regulations.

Offences and penalties

17. Any person who—

(a) contravenes any provision of these Regulations;

(b) fails to comply with any term or condition of any permit issued under these Regulations;

(c) assaults or obstructs the Controlling Officer, any authorised person, any customs officer or any person appointed under section 11 while acting in the exercise, discharge or performance of any powers, duties or functions conferred upon him by these Regulations;

(d) refuses to answer any question lawfully put to him, or refuses or neglects to follow any direction given to him, by any person referred to in paragraph (c); or

(e) makes any declaration or supplies any information required to be made or supplied by these Regulations knowing the same to be false in some material particular;

commits an offence and is liable on summary conviction to a fine of $500 or to a term of imprisonment of 6 months or to both.

Citation

18. These Regulations may be cited as the Marine Parks Regulations, Revised Regulations of Anguilla M30-1.

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SCHEDULE 1

(Section 2)

MARINE PARKS

JUNKS HOLE MARINE PARK

Description of boundaries of the Junks Hole Marine Park—

All that portion of the marine area within the radius 500 yards from Lat. 18º 15' 74" N Long.62º 58'29" W.

DOG ISLAND MARINE PARK

Description of boundaries of the Dog Island Marine Park—

All that marine area around Dog Island starting at the point D1 with a location, Lat. 18º 16' 07" N Long. 63º 16' 32" W, thence East to the point D2 with a location, Lat. 18º 16' 07" N Long.63º 14' 00" W, thence North to the point D3 with a location, Lat. 18º 17' 17" N Long.63º 14' 00" W, thence West to the point D4 with a location, Lat. 18º 17' 17" N Long. 63º 16' 32" W, and thence South back to the Point D1.

PRICKLY PEAR CAYS AND SEAL ISLAND REEFS MARINE PARK

Description of boundaries of the Prickly Pear Cays and Seal Island Reefs Marine Park—

All that marine area around Prickly Pear Cays, Seal Island and Seal Island Reef starting at the point P1 with a location, Lat. 18º 15' 24" N Long. 63º 05' 05" W, thence North to the point P2 with a location, Lat. 18º 16' 46" N Long.63º 05' 05" W, thence West to the point P3 with a location, Lat. 18º 16' 46" N Long.63º 12' 07" W, thence South to the point P4 with a location, Lat. 18º 15' 24" N Long. 63º 12' 07" W, and thence East back to the point P1.

SANDY ISLAND MARINE PARK

Description of boundaries of the Sandy Island Marine Park—

All that marine area around Sandy Island starting at the point S1 with a location, Lat. 18º 12' 06" N Long. 63º 08' 25" W, thence East to the point S2 with a location, Lat. 18º 12' 06" N Long.63º 06' 49" W, thence North to the point S3 with a location, Lat. 18º 13' 00" N Long.63º 06' 49" W, thence West to the point S4 with a location, Lat. 18º 13' 00" N Long. 63º 08' 25" W, and thence South back to the point S1.

LITTLE BAY MARINE PARK

Description of boundaries of the Little Bay Marine Park—

All that marine area in Little Bay starting at the most westerly point of Flat Cap Point (point L1) with a location, Lat. 18º 13' 54" N Long. 63º 04' 26" W, thence on a true bearing of 196º for a distance of 1148 yards to Government of Anguilla marker buoy at the point L2 with a location, Lat. 18º 13' 20" N Long. 63º 04' 38" W, thence on a true bearing of 90º for a distance of 912 yards to the most westerly point of Pelican Point (point L3) with a location, Lat. 18º 13' 21" N Long. 63º 04' 09" W.

SHOAL BAY AND ISLAND HARBOUR REEFS MARINE PARK

Description of boundaries of the Shoal Bay and Island Harbour Reefs Marine Park—

All that marine area starting at the point SB1 with location, Lat. 18º 14' 48" N Long.63º 03' 12" W, thence North to the point SB2 with a location, Lat. 18º 16' 45" N Long.63º 03' 12" W, thence East to the point SB3 with a location, Lat. 18º 16' 45" N Long.62º 59' 20" W, and thence South to the point SB4 with a location, Lat. 18º 15' 42" N Long.62º 59' 20" W.

SOMBRERO ISLAND NATURE RESERVEMARINE PARK

Description of the boundaries of the Sombrero Island Nature Reserve Marine Park—

All that portion of the terrestrial area and marine area within the radius 2000 yards from Lat. 18º 36' 00" N Long.63º 26' 30" W.

(R.A. 29/2007, s. 1and R.A. 6/2009, s. 1)

SCHEDULE 2

FORMS

FORM 1
Anguilla
(Section 12(1))
MARINE PARKS REGULATIONS
APPLICATION

APPLICATION FOR: ❑ Carrying on a Business
(please (✓) appropriate box) ❑ Filming
❑ Scuba diving
❑ Camping
❑ Other activity (describe) ……..……

in a Marine Park.

To the Controlling Officer.

This Application must be prepared in triplicate and the original copy delivered to the applicant or his agent. To be shown to an authorised officer on request.

Name of Applicant: ……...

Address: ……..……...

Occupation: ……..……..

Telephone Number: ……..….

Area of Marine Park in which activity to be carried on: ……...……

Detailed description of activity to be carried on: ……..……

……

Date on which permit is to commence: ……...…….……

Period of Permit: ……...……...……

Date of Application: ……...……...……

Fee Paid: ……...……..……...……

…….
Stamp and Signature of
Issuing Officer

NB: This permit is not transferable.

———————

FORM 2

Anguilla

(Section 12(3))

MARINE PARKS REGULATIONS

MARINE PARK PERMIT

This permit must be prepared in triplicate and the original copy delivered to the applicant or his agent. To be shown to an authorised officer on request.

1. Name of Applicant: ……
2. Address and Telephone No: ……
3. Name of Owner: ……
4. Address and Telephone No: ……
5. Name of Captain: ……
6. Address and Telephone No: ……
7. Name of Agent: ……
8. Address and Telephone No: ……
9. Name of Vessel: ……
10. Vessel Registration No: ……
11. Place where vessel is based: ……
12. Port of Registry: ……
13. Registered Tonnage: ……
14. Registered Length: ……
15. No. of persons on board: ……
16. Date on which permit commences: ……
17. Period of validity of payment required: ……
18. Area for which permit required: ……
19. Permit for: *(please (✓) appropriate box)*
    - ❑ Carrying on a Business
    - ❑ Filming
    - ❑ Scuba diving
    - ❑ Camping
    - ❑ Other activity (describe) ……

20. Detailed description of activity to be carried on: ……..……

……

21. Conditions: ……...……..……

22. Date of expiration of permit: ……..…….

23. Fee Paid: ……..……

24. Official receipt No: ……

Issued this …… day of ……, 20…….. .

……..…
Stamp and Signature
of Issuing Officer

This permit allows the named holder and vessel to *tie up at a mooring or anchor in a designated area at ……and to alight on a Marine Park.

* *Delete the inapplicable words.*

NB: This permit is not transferable.

Any non-compliance with the terms and conditions of a permit may lead to the suspension or revocation of the permit.

SCHEDULE 3

(Sections 12 and 13)

FEES

Filming:	EC$2,700 per day
Erecting Structures:	5% of the cost or value (whichever is greater) of the development for which the permit is granted
Camping:	EC$28 per tent per week
Carrying on Business:	5% of gross income relating to the operation
Issue of any Duplicate Permit:	EC$5

(R.A. 17/2010, s. 1)