

No. 5 of 1987. *The National Conservation and Environment Protection Act, 1987.* Saint Christopher and Nevis.

LS

I assent,

CLEMENT A. ARRINDELL

Governor-General.

27th April, 1987.

SAINT CHRISTOPHER AND NEVIS

No. 5 of 1987

AN ACT to provide for the better management and development of the natural and historic resources of Saint Christopher and Nevis for purposes of conservation; the establishment of national parks, historic and archaeological sites and other protected areas of natural or cultural importance including the Brimstone Hill Fortress National Park; the establishment of a Conservation Commission; and for other matters connected thereto.

(by Notice published in the *Gazette*.)

Commencement.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:—

PART I

Preliminary

1. This Act may be cited as the National Conservation and Environment Protection Act, 1987 and shall come into operation on such date as the Minister may appoint by Notice published in the *Gazette*.

Short title and commencement.

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Interpreta-
tion.

2. In this Act, unless the context other-
wise requires -

"area of special concern" means a place or site needing special protection and controlled use in order to stabilise or restore important ecological features or functions;

"authorised officer" means any police officer, forest officer or any other person appointed for purposes of this Act;

"beach" means the sloping area of unconsolidated material typically sand, that extends landward from the mean high water mark to the area where there is a marked change in material or natural physiographic form or when there is no such marked change in the material or natural physiographic form, the beach shall be deemed to extend to a distance of twenty metres landward from the mean high water mark or such lesser area as may be determined by the Minister in consultation with the Conservation Commission and in all cases shall include the primary sand dune;

"botanic garden" means a garden established for preservation display and propagation of the National botanical resources;

"coast conservation" means the protection and preservation of the coast from sea erosion or encroachment by the sea, and includes the planning and management of developmental activity within a coastal zone;

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"coastal zone" means any area having an elevation less than 15 metres above mean sea level within a limit of one hundred metres of the mean high water mark and a limit of two kilometres seawards of the mean low water mark and shall include the foreshore and the floor of the sea;

"environment" means the physical factors of the surroundings of human beings including the land, soil, water, atmosphere, climate, sound, odours, tastes, and the biological factors of animals and plants of every description;

"foreshore" means that portion of the coastal zone which lies between the low water mark of the sea and landward to the vegetation line found thereon or in the absence of vegetation, the high water mark;

"historic site" means a place or site which is historic by reason of an association with the past and is part of the cultural or historical heritage of Saint Christopher and Nevis, and such a classification may include archaeological sites, historic landmarks, and areas of special historic or cultural interest;

"marine reserve" means an area as provided in Section 23 of the Fisheries Act, 1984;

"Minister" means the Minister for the time being charged with the subject of Development;

"national park" means an area consisting of a relatively large land or marine area or some combination of land or sea, containing natural and

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cultural features or scenery of national or international significance and managed in a manner to protect such resources and sustain scientific, recreational and educational activities on a controlled basis;

"nature reserve" means an area containing outstanding or fragile natural features or life forms of national importance that need protection in an undisturbed state where the only permitted activities are management measures, controlled scientific research and educational study;

"owner" includes, as the case may be, an occupier or a lessee;

"pollution" means any direct or indirect alteration of the physical, thermal, chemical, biological or radioactive properties of any part of the environment by the discharge, emission, or the deposit of wastes so as to affect any beneficial use adversely or to cause a condition which is hazardous to public health, safety or welfare, or to animals, birds, wildlife, marine life or to plants of every description;

"protected area" means a national park, nature reserve botanic garden, historic site, scenic site or any other area of special concern or interest designated under section 3(1) of this Act;

"scenic site" means an area containing a scenic feature of national or local importance.

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PART II

Establishment of Protected Areas

3.(1) Subject to section 5 of this Act, the Minister in consultation with the Conservation Commission, by Notice published in the *Gazette* may designate any land or marine area, to be classified as a national park, nature reserve, botanic garden, marine reserve, historic site, scenic site or an area of special concern where such area meets one or more of the purposes and objectives as provided by section 4 of this Act.

Notice for designation of protected areas.

(2) The Notice published under subsection (1) of this section shall include wherever possible and using the best means available the legal description of the area with metes and boundaries, intended classification, and the activities proposed for regulation or prohibition in the area so designated.

(3) A Notice published under this section shall be laid before the National Assembly.

4. Any protected area designated under this Act shall have one or more of the following broad purposes and objectives:-

Purposes and objectives of protected areas.

- (a) to preserve biological diversity of wild flora and fauna species that may be endemic, threatened, or of special concern and the land and marine habitats upon which the survival of these species depend;
- (b) to protect selected examples of representative or unique biological communities, both on land and in marine areas, and their physical environments;
- (c) to sustain natural areas important for protection and

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maintenance of life-support systems (air, water) and basic ecological processes including water recharge and soil regeneration;

- (d) to protect selected natural sites of scenic beauty or of special scientific, ecological historic or educational value, including sites that are already degraded and need protection for restoration or sites that may become degraded if not protected; or
- (e) to maintain or restore historic sites of cultural, archaeological, scientific or educational value or interest.

Notice of interim to establish a protected area.

5.(1) Before any area of land or sea is established as a protected area, the Minister in consultation with the Conservation Commission shall publish a Notice in the *Gazette* -

- (a) specifying the situation and limits of the area of land or sea which is to be established as a protected area;
- (b) inviting all persons who lawfully enjoy any rights within such area of land or sea specified in the Notice to submit their claims and objections to the Minister;
- (c) appointing a date and a place for the hearing of any claims and objections relating to such area of land or sea specified in the Notice.

Acquisition and management of private land as a protected area.
Cap. 273.

6.(1) Where the Minister determines that any private land or interest in such land shall be acquired for a protected area under this Act, acquisition procedures under the Land Acquisition Act shall apply and the acquisition shall be deemed to be for a public purpose.

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(2) The Minister may without acquiring private land enter into written agreements with owners of that land for the right of access to and the right to control such land as a protected area under this Act.

PART III

Administration of Protected Areas

7.(1) The selection, management and administration of any protected area established under this Act shall be carried out by the Minister, in consultation with the Conservation Commission established under section 8 of this Act.

Minister to be generally responsible but may delegate powers and functions.

(2) Without prejudice to the generality of the foregoing subsection (1), the Minister may delegate management, administration, restoration and conservation powers and functions in terms of section 15 of this Act to the Brimstone Hill Fortress National Park Society, the Nevis Historical and Conservation Society or to any other society or organisation, as appropriate.

8.(1) The National Conservation Commission (referred to in this Act as the Conservation Commission) shall consist of nine members appointed by the Minister as follows:-

Composition of the Conservation Commission.

- (a) five representatives appointed by the Minister;
- (b) two representatives nominated by the Premier of the Nevis Island Administration;
- (c) the President or his representative of the Brimstone Hill Fortress National Park Society;
- (d) the President or his representative of the Nevis Historical and Conservation Society.

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(2) The Minister shall appoint the Chairman and Deputy Chairman of the Conservation Commission from the representatives appointed under the preceding subsection (1).

(3) The Conservation Commission is an advisory commission which shall function as a body corporate with perpetual succession and common seal only in respect of property held in trust by the Conservation Commission under section 9 of this Act.

(4) The Conservation Commission may co-opt any person for any of its meetings but such person shall not have the right to vote.

(5) The Conservation Commission may establish Committees for specific purposes and regulate its functions except as otherwise constituted in the First Schedule to this Act.

Certain
property to
be held in
trust by the
Conservation
Commission.

9. After commencement of this Act, any protected area, historic building or monument shall become vested in the Conservation Commission as determined by the Minister by Order and thereafter the Conservation Commission shall hold such protected area, historic building or monument in trust for the benefit of the people of Saint Christopher and Nevis or under prescribed conditions for the benefit of any owner of such protected area, historic building or monument.

Functions
of the
Conservation
Commission.

10. The functions of the Conservation Commission are to advise the Minister as to -

- (a) the selection of protected areas;
- (b) the conservation of the natural beauty, topographic features, historic buildings, sites and other monuments of Saint Christopher and Nevis;
- (c) the removal from any beach, national park, botanic garden or nature reserve, of any derelict object;

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- (d) the control, maintenance and development of the national parks, botanical gardens and beaches of Saint Christopher and Nevis;
- (e) the observance of sanitary and clean conditions and practices at and in respect of the national parks, beaches and sea of Saint Christopher and Nevis and such other sites and monuments of national interest as the Minister may designate;
- (f) the construction and maintenance of ancillary recreational facilities;
- (g) the control of construction in any national park or on any beach of any huts, booths, tents, sheds, stands, stalls, bath-houses or shops;
- (h) the maintenance of public access to all beaches in Saint Christopher and Nevis; and
- (i) any other functions as may be conferred upon it by the Minister for the purposes of this Act or by any other enactment.

11.(1) Where the Conservation Commission becomes the trustee of any protected area, historic building or monument, the Conservation Commission shall do such acts and things as may be necessary for the maintenance thereof and for the exercise of proper control or management thereto in order to prevent destruction, damage or injudicious treatment of such protected area, historic building or monument.

(2) The Conservation Commission shall promote conservation as part of long term national economic development.

Non
advisory
functions
of the
Conservation
Commission.

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The funds
and expendi-
ture of the
Conservation
Commission.

12.(1) The National Assembly or a funding agency may provide funds to the Conservation Commission for discharging the obligations and performing any functions of the Conservation Commission under this Act.

(2) The plans of the Conservation Commission in relation to its expenditure shall be approved by the Minister.

(3) The Conservation Commission shall, in respect of its functions under this Act, keep proper accounts and adequate financial and other records in relation thereto to the satisfaction of and in accordance with the directions of the Director of Audit.

(4) The Conservation Commission shall within three months from the end of each financial year, submit its accounts for audit to the Director of Audit.

Requirement
for manage-
ment plans.

13.(1) A management plan shall be prepared for each protected area by the Conservation Commission on the basis of the best available scientific and other information and such plan shall be designed to further the specific purposes and objectives of the area and guide any activities that may be prohibited and permitted in the area.

(2) Each management plan shall be approved by the Minister and shall be reviewed at least every five years for possible revision to reflect new information and changing circumstances.

Content of
management
plan.

14. The following information shall be included in a management plan, to the extent feasible -

- (a) the long-term goals of the protected area and the associated conservation, restoration, research, education and recreational objectives of the area required to meet these goals;

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- (b) a description of the manner and time frame within which various management measures will be undertaken, including the kinds of activities that will be regulated or prohibited.

15.(1) The Minister may designate by order published in the *Gazette*, a competent authority to be responsible for the management and administration of any protected area established pursuant to this Act, and such Order shall specify the particular protected area to be under the jurisdiction of the competent authority and the extent of the powers and functions of such competent authority.

Designation
of competent
authority.

(2) The powers and duties delegated to a competent authority designated pursuant to subsection (1) of this section to manage and administer a particular protected area may include the powers and duties to -

- (a) make and enforce Regulations for the management and control of activities within the protected area under its jurisdiction and these Regulations shall be approved by the Minister under this Act;
- (b) review and implement the management plan in accordance with section 13 of this Act;
- (c) make recommendations to the Minister on kinds of expertise and institutional resources needed to properly manage and administer the protected area;
- (d) give advice on amending boundaries or the classification of the protected area in order to better meet its purposes and objectives;

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- (e) undertake any other powers and duties that may be assigned to it, from time to time, by the Minister.

Use of other
officers
etc.

16. To carry out his responsibilities under this Act, the Minister or the Governor-General, as the case may be, may -

- (a) appoint special wildlife and parks officers;
- (b) use consultants experts and advisors from national, regional or international organizations;
- (c) use personnel from other Ministries; and
- (d) use individuals, voluntary organizations and community groups from the business and non-governmental sectors.

PART IV

Establishment of Brimstone Hill

Fortress National Park

Establish-
ment of
Brimstone
Hill
Fortress
National
Park.

17. In recognising its national and international significance as an outstanding cultural and historical resource, the area commonly known as Brimstone Hill Fortress as described in the Second Schedule to this Act, is hereby declared to be the Brimstone Hill Fortress National Park with effect from the 23rd day of October, 1985.

Delegation
of authority
to Brimstone
Hill
Society.

18. The Brimstone Hill Fortress National Park shall be under the management and administration of the existing Society titled the Brimstone Hill Fortress National Park Society (hereinafter referred to as the Brimstone Hill Society) which is a company incorporated under the Companies Act (Cap. 335).

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19. In order to fulfil its responsibilities the Brimstone Hill Society may, with the approval of the Minister use or employ such expertise or personnel from governmental, non-governmental and international organizations as it deems necessary and appropriate.

Use of
expertise
and
personnel.

20. The Brimstone Hill Society shall have the power to make and enforce Regulations for the management and administration of the Brimstone Hill Fortress National Park and The Brimstone Hill Regulations, 1983 shall be deemed to have been made under this Act until new Regulations are made by the Brimstone Hill Society under this Section.

Brimstone
Hill
Society
to make
Regulations.

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1983.

21. The admission fees collected for the Brimstone Hill Fortress National Park by the Brimstone Hill Society shall be retained by the Brimstone Hill Society for management and restoration of the Brimstone Hill Fortress National Park.

Admission
fees to be
used for
management
and
restoration.

22. The Brimstone Hill Society shall maintain proper accounts of all sums of money received and expended in relation to the management and administration of Brimstone Hill Fortress National Park, and such accounts shall be open at all reasonable times for inspection by the Government and shall be audited annually.

Accounts
of the
Brimstone
Hill
Society.

PART V

Recognition of Bath Hotel
as an Historical Site

23.(1) In recognition of the natural significance as an outstanding historic resource the area described in the Fourth Schedule and commonly known as the Bath Hotel in the Island of Nevis is hereby declared to be an historic site with effect from the first day of January, 1987.

Recognition
of Bath
Hotel as an
historical
site.

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(2) This Part shall not come into operation until such time as the Minister may designate by Notice published in the *Gazette*.

(3) In determining the date under subsection (2), the Minister shall consult the Nevis Island Administration and shall act in accordance with such advice.

PART VI

Coast Conservation and Beach Protection

Beach
vested in
the Crown
with public
access.

24.(1) It is hereby declared that all rights in and over the beach are vested in the Crown and the public shall have the right of access and the right to use or enjoy the beach for recreational activities and purposes.

(2) There shall be at least one public access to every beach in Saint Christopher and Nevis and, where the only existing access is a private road, the owner of that road shall give an unimpeded beach right of way to the public at all times without charge.

Duties and
functions
of the
Conservation
Commission
in respect
of coast
conservation.

25. The Minister in consultation with the Conservation Commission shall be responsible for -

- (a) the preparation and implementation of a coastal zone management plan to regulate developmental activities in a coastal zone and to make necessary Regulations;
- (b) the formulation and execution of schemes of work for coast conservation within the coastal zone;
- (c) the conduct of research and for undertaking environmental impact assessment of any development activity in collaboration with other departments; agencies and institutions for the purpose of coast conservation;

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26. No person shall -

Preservation
of beach.

- (a) remove or assist in the removing of any natural barrier against the sea; or
- (b) dig and take away or assist in the digging and taking away of any deposit of sand, stone, gravel or shingle from any land mark that is part of the beach; or
- (c) remove or assist in removing any vegetation from a beach in Saint Christopher and Nevis except under the authority of a permit granted to him by the Minister in writing in such form as the Minister approves.

27. A Permit to dig and take away sand, stone, gravel or shingle is obtainable by making an application therefor in writing to the Minister in such form as he approves and the application must contain -

Application
for
permission
to dig and
take sand.

- (a) the name and address of the applicant;
- (b) the location of the place from which the sand, stone, gravel or shingle is to be dug and taken;
- (c) the purpose for which sand, stone, gravel or shingle is to be used; and
- (d) the quantity of sand, stone, gravel or shingle required to be dug and taken.

(2) The Minister shall consider all applications made to him under subsection (1) and may grant the permit applied for upon such terms (including as to the quantity of sand, stone, gravel or shingle to be taken) as he thinks fit or he may refuse the application.

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Time for
conveying
of sand etc.

28. No sand, stone, gravel or shingle shall be dug, taken or transported between the hour of 7 o'clock in the evening of any day and the hour of 5 o'clock in the morning of the following day.

Exemption.

29. Sections 26, 27 and 28 do not apply if the quantity of sand, stone, gravel or shingle being taken is of such a small quantity that it can be conveyed without the use of any motor vehicle or wheelbarrow.

Fouling or
polluting
of the
coastal
zone.

30. No person shall, in Saint Christopher and Nevis, foul or pollute any part of the coastal zone whether by depositing thereon offal, garbage or other waste or in any other manner.

Power to
declare
protected
beaches.

31.(1) The Minister may in consultation with the Conservation Commission by Order published in the *Gazette*, declare -

- (a) certain areas of the coastal zone to be protected beaches for purposes of this Act; and
- (b) such activities as may be specified in the Order to be prohibited activities in the area defined in the Order, being any or all of the following activities -
 - (i) fishing by any means specified in the Order;
 - (ii) the use or anchoring of boats, except for authorised purposes, and the docking or anchoring of cruise ships;
 - (iii) the disposal of any waste matter;
 - (iv) water skiing;

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- (v) sand mining or dredging in the coastal zone;
- (vi) the removal of any treasure or artifact from the floor of the sea.

32. Any person who -

Offences.

- (a) removes any natural barrier against the sea;
- (b) digs and takes away or assists in digging and taking sand, stone, gravel or shingle in contravention of section 27;
- (c) contravenes section 28; or
- (d) contravenes section 30,

is guilty of an offence and is liable on summary conviction to a fine of \$1000 or to imprisonment for a term of six months or both; and in addition thereto, any boat or vehicle used in connection with the commission of an offence under paragraphs (a) or (b) is liable to forfeiture.

33. Nothing in this Part shall be deemed to affect -

Savings.

- (a) any land used for agriculture; or
- (b) any vested rights enjoyed by fishermen engaged in fishing as a trade in or over any beach.

PART VII

Forestry, Soil and Water Conservation

34.(1) No person shall cut or fell any timber within Saint Christopher and Nevis unless such person shall have obtained from the Chief Agricultural Officer a permit in writing.

Timber not to be cut or felled without permit.

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Provided that the provisions of this section shall not apply to timber cut or felled for the purposes of the domestic use of the owner.

(2) In this section timber means any kind of growing tree except brushwood.

Forest
management
schemes and
Regulations.

35. The Minister in consultation with the Conservation Commission shall establish forest management schemes and make Regulations for -

- (a) the establishment of forest reserves and make prohibitions in regard to the grazing of livestock in such reserves;
- (b) the national exploitation of forest resources;
- (c) the conservation of threatened species of flora, and to encourage citizen participation therewith to keep the Nation's forest resources at maximum productivity at all times;
- (d) the promotion of reforestation, timber stand improvement, forest protection, forest management, multiple use forest and forest research;
- (e) the regulation of charcoal burning and the export from Saint Christopher and Nevis of any timber or charcoal; and
- (f) the procedures and exemptions in regard to felling or cutting timber.

Soil
Conservation.

36. The Minister in consultation with the Conservation Commission and with the assistance of any expert or consultant shall provide Regulations for soil conservation including the identification and protection of critical watershed areas and natural drainage systems

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and the encouragement of scientific farming techniques by means of physical and biological soil conservation and research in regard to effective soil conservation designed to reduce or prevent soil erosion.

37.(1) All ghauts in Saint Christopher and Nevis are hereby declared to be an area of special concern to be managed in the public interest in stable and productive natural drainages.

Ghauts
declared
to be a
special
area of
concern.

(2) The Minister may in consultation with the Conservation Commission require by way of Regulations special land use, rehabilitation, management and conservation measures, including complete protection, in any ghaut in order to ensure that it is maintained as a stabilised and productive natural drainage.

(3) From the date of entry into force of this Act, any person who, except with written permission from the Minister -

- (a) cultivates, cuts, burns or clears the land or vegetation;
- (b) grazes livestock;
- (c) constructs any structure;
- (d) removes sand without permission;
- (e) undertakes any other activity that may be prohibited from time to time,

in an area of special concern, shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding five hundred dollars and to a further fine not exceeding fifty dollars for each day during which the offence continues after such conviction.

(4) It shall be an offence for any person to pollute or litter a ghaut and any person who contravenes the provisions of this section shall be liable, on summary conviction, to a fine not exceeding five hundred dollars and

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in addition shall be responsible for the clean up of the litter deposited or pollution caused by the best means available, and to a further fine, not exceeding twenty dollars for each day during which the litter or pollution continues or is not remedied after the conviction.

Authority
for Chief
Agricultural
Officer
to take
measures in
regard to
ghauts

38.(1) In any case where any owner of any ghaut fails to comply with any measures specified in the Regulations made under this Act, it shall be lawful for the Chief Agricultural Officer after giving to the owner Notice of such duration as may be necessary to cause such measures with respect to the ghaut to be taken by an officer authorised in writing by the Chief Agricultural Officer, it shall be lawful for any officer so authorised to enter the land and to carry out thereon all such work as may be necessary for the purpose of taking the required measures in respect of ghauts.

(2) The cost of carrying out any work with respect to ghauts in pursuance of the powers conferred by sub-section (1) shall be payable by the owner as prescribed, and the amount if unpaid, shall be recoverable by civil action as a debt due to the Crown.

Watershed
Conservation.

39. The Minister in consultation with the Conservation Commission and the Water Board established under the Watercourse and Waterworks Act (Cap. 185) or any other Act shall make Regulations to conserve and develop the Nation's water resources to prevent or reduce soil erosion and thereby meet the present and future water needs for domestic, agricultural, commercial, industrial and other beneficial uses.

PART VIII

Protection of Wild Animals and Birds

Interpreta-
tion...

40. In this Part -

"wild animal" or "wild bird" means any

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animal or bird specified in the
Third Schedule.

41. Any person who -

- (1) wilfully kills, wounds or takes any wild animal or wild bird specified in the Third Schedule;
- (2) takes, removes, injures or destroys any nest or egg of a wild bird specified in the Third Schedule;
- (3) exposes for sale, or knowingly has in possession, any wild animal or wild bird specified in the Third Schedule, or any part of such animal or bird, taken, wounded or killed in Saint Christopher and Nevis after the commencement of this Act;
- (4) exports or attempts to export the skin or plumage of any wild animal or wild bird taken, wounded or killed, or the nest or eggs of any such animal or bird taken from Saint Christopher and Nevis after the commencement of this Act in relation to wild animals or wild birds specified in the Third Schedule,

Enumeration
of offences
for pro-
tection of
wild animals
and birds as
specified in
the Third
Schedule.

shall be guilty of an offence under this Act.

42. Any person convicted of an offence under section 41 of this Act is liable to a fine not exceeding one thousand dollars or to a period of imprisonment not exceeding one month or both, and shall also be liable for forfeiture of any article or thing or firearm by which the offence has been committed.

Penalties.

43. Where any person is legally proceeded against for exposing or offering for sale, or having in his possession, or exporting or

Onus of proof
on person
found in
possession.

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attempting to export any wild animal or wild bird or any part of such animal, bird or the nest or egg, the proof that such animal or bird was taken, wounded, or killed in Saint Christopher and Nevis shall be on such person.

Complaint to be made to the Magistrate's Court.

44. Any complaint in regard to an offence under this Part shall be brought before the Magistrate's Court.

Authority for scientific and other purposes.

45. Notwithstanding any provision in this Part, the Minister may in writing authorise any person for such time and subject to such conditions as he thinks necessary for scientific or other purposes to kill, wound or take any wild animal or wild bird or to take or remove the nest or eggs of any wild bird.

Minister may amend the Third Schedule.

46. The Minister may from time to time add or remove the name of any wild animal or wild bird in the Third Schedule by way of Notice published in the *Gazette*.

PART IX

Antiquities and Historic Buildings

Interpretation.

47. In this part -

"antiquities" includes -

- (a) any ancient monument which dates or may reasonably be believed to date from a period prior to 1900;
- (b) any statues, engravings, carvings, inscriptions, paintings, writings, metallurgic art, coins, gems, seals, jewels, arms, tools, ornaments and all other objects of art which date or may reasonably be believed to date from a period prior to 1900;
- (c) any abandoned wreck and all

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objects of archaeological association which have remained unclaimed for fifty years in the territorial waters of Saint Christopher and Nevis.

48.(1) Any person who digs or otherwise searches for antiquities whether on his land or elsewhere except with a licence obtained upon application made to the Minister, is guilty of an offence and upon summary conviction shall be liable to a fine not exceeding one thousand dollars.

Search for antiquities only with licence.

(2) A licence to excavate or undertake salvage operations for antiquities shall be granted only to such persons who in the opinion of the Minister in consultation with the Conservation Commission -

- (a) guarantee sufficient funds for expenditure on the proposed excavation or salvage so as to do a satisfactory job;
- (b) whose scientific competence for the excavation or salvage operations is reasonably assured by any learned society or institution to the satisfaction of the Minister.

(3) The Minister may attach any conditions and fees to the Licence as he determines appropriate in the public interest, in order to protect antiquities and shall also require such person -

- (a) to furnish plans of the proposed excavation or salvage and list all the antiquities discovered by the holder of the Licence;
- (b) to deliver to the Minister for inspection and division in terms of section 48 all antiquities discovered at the close of

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excavation or salvage or whenever
the Minister may direct.

(4) In case of the breach of any conditions of the licence issued pursuant to this section, the Minister may suspend or cancel the Licence.

Division of
antiquities.

49.(1) All antiquities discovered during any excavation or salvage licensed pursuant to this Part shall be subject to inspection and division by the Minister.

(2) In making the division of antiquities referred to in subsection (1) of this section, the Minister may acquire on behalf of Saint Christopher and Nevis all such antiquities which in his opinion, after consultation with the Conservation Commission, are important as cultural property or are required for educational, scientific, archaeological or historic purposes of the Nation.

(3) The Minister in consultation with the Conservation Commission shall divide the remaining antiquities as far as possible giving the holder of the Licence a fair share of the results of the excavation or salvage which shall not be less than one-third of the full amount.

Discovery of
antiquities
by accident.

50. Any person who accidentally discovers antiquities without a licence issued under this Part shall forthwith report the fact to the Minister and the provisions of section 49 shall *mutatis mutandi* apply.

Export of
antiquities.

51. No person shall export from Saint Christopher and Nevis any antiquity except in accordance with a licence to export such antiquity as prescribed under the Regulations made under this Act.

List of
special
buildings
to be
compiled and
maintained.

52.(1) The Minister upon recommendation of the Conservation Commission shall prepare and maintain a list of special buildings that shall

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be preserved for purposes of historic and cultural value and which shall contain -

(a) a description of the building;
and

(b) the reasons why the building should be preserved on the list.

(2) The owner of any building proposed for inclusion in the list under this section shall be given notice of the listing and his right under subsection (3) hereof.

(3) Within three months of the notice, the owner may appeal to the High Court against the inclusion of his building in the list and in the event of no such appeal, the building shall by Notice published in the *Gazette* be declared to be a listed building.

53.(1) Except as provided in subsection (3) where any building is officially declared to be listed as a historic building it shall be an offence for any person to carry out development on such historic building except with the approval of the Building Board established under the Building Act and in considering the application, the Building Board shall consult with the Conservation Commission giving special consideration to the public interest in preserving the features for which the building is listed, and shall endeavour to use all means reasonably available to preserve those features.

Effect of
listing.

(2) Any person who contravenes subsection (1) is guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding one thousand dollars and to an additional fine of fifty dollars for every day the offence continues after such conviction.

(3) It shall not be an offence for the owner of a historic building as listed under this Act to carry out repairs or maintenance

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in a manner that preserves the features for which it was listed or when such repairs or maintenance shall be necessary to prevent danger to any person.

Incentives
to restore
historic
buildings.

54.(1) An owner of any historic building who repairs or restores such building may receive any or all of the following incentives -

- (a) exemption from payment of land and house tax;
- (b) exemption from custom duties and consumption tax for any materials imported for repairs and restoration;
- (c) professional advice from public officers without charge or a fee;
- (d) use of plant and equipment of the Public Works Department.

(2) An owner of a historic building who receives financial or technical assistance pursuant to this section for restoring or repairing such property shall make the property available for visits by the public at such times as are mutually agreed between the owner and the Minister after consultation with the Conservation Commission.

PART X

Miscellaneous

Donation or
exchange of
land for any
protected
area.

55. Any owner may donate, exchange, transfer or otherwise dedicate any land or interest in land to the Government of Saint Christopher and Nevis under this Act for any protected area.

Regulations.

56.(1) The Minister may, in consultation with the Conservation Commission, make the following Regulations under this Act -

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- (a) prescribing the sanitary and clean conditions and practices to be observed at and in respect of protected areas, beaches and public places, and for prevention and punishment of environmental pollution;
- (b) with respect to activities to be regulated or prohibited in protected areas;
- (c) for forms, permits and application as required by this Act;
- (d) prescribing the fees and charges for entry to or for the use of any protected area and the terms and conditions on which such fees shall be paid;
- (e) for the preservation from danger, obstruction or annoyance of members of the public using any protected area or the beach;
- (f) for the preservation of order and good conduct among members of the public using any protected area, beach or forest reserves;
- (g) prescribing the manner in which any protected area is to be operated;
- (h) for the prevention of the deterioration of historic sites, buildings and monuments of national interest designated under this Act;
- (i) prescribing the terms and conditions of any salvage or other activity in respect of antiquities and abandoned wrecks; and

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(j) generally for the better carrying out of his functions under this Act.

(2) Any Regulations made shall be laid before the National Assembly of Saint Christopher and Nevis.

Offences.

57.(1) Any person who contravenes any provisions of this Act or any Regulations made thereunder is guilty of an offence and is liable on summary conviction to a fine of two hundred dollars or to imprisonment for a term of three months or both.

(2) Any person who assaults, resists, obstructs or intimidates any member or any authorised officer is guilty of an offence and is liable on summary conviction to a fine of one thousand dollars or to imprisonment for a term of twelve months or both.

(3) Any person who, without authority or excuse wilfully damages any tree, shrub or grass planted or laid out, or deposits any waste paper, waste matter, rubbish or litter in any protected area, forest reserve or on a beach, is guilty of an offence and is liable on summary conviction to a fine of five hundred dollars or to imprisonment for a term of six months or both, and, in addition, a court before which a person is convicted of an offence, under this subsection in respect of wilfully damaging any tree, shrub or grass planted or laid out, may order that person to pay full compensation in satisfaction of the damage or to carry out such remedial work as may be necessary.

(4) Any person who, without lawful authority -

- (a) breaks or samples any coral;
- (b) removes any flora or fauna from any protected area;

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- (c) digs or removes artifacts from any protected area;
- (d) interferes with or pollutes any watercourses, watersheds, sea, beach, or protected area; or
- (e) deposits waste paper, rubbish or litter of any kind whatsoever in a protected area;

is guilty of an offence and is liable on summary conviction to a fine of five hundred dollars or to imprisonment for three months or both.

(5) Any person who defaces, damages or destroys any historic building, site or monument so designated under this Act is guilty of an offence and is liable -

- (a) in the case of defacement on summary conviction to a fine of five hundred dollars or to imprisonment for a term of twelve months or both;
- (b) in the case of damage, on summary conviction to a fine of two thousand five hundred dollars or to imprisonment for a term of twelve months or both; and
- (c) in the case of destruction or damage, on summary conviction to imprisonment for a term of ten years.

58. The Forestry Act (Cap. 92), The Beach Control Act (Cap. 281) and The Wild Birds Protection Act (Cap. 113) are hereby repealed. Repeals.

FIRST SCHEDULE (Section 8(5))

Constitution of the Conservation Commission

1. The members of the Conservation Commission shall hold office for a period of

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three years and shall be eligible for re-appointment.

2. A member other than the Chairman may at any time resign his office by instrument in writing addressed to the Chairman who shall forthwith cause the same to be forwarded to the Minister and upon the date of the receipt by the Chairman of such instrument he ceases to be a member of the Conservation Commission unless some other date is mentioned in the instrument.

3. The Chairman of the Conservation Commission may at any time resign his office by instrument in writing addressed to the Minister and upon the date of the receipt by the Minister of such instrument he ceases to be Chairman and a member of the Conservation Commission unless some other date is mentioned in the instrument.

4. A vacancy shall be deemed to arise in the membership of the Conservation Commission in case of -

- (a) the death or resignation of a member;
- (b) the revocation by the Minister of the appointment of a member;
- (c) the failure of a member to attend three consecutive meetings of the Conservation Commission, unless such failure to attend was approved by the Conservation Commission.

5. Members are eligible for such remuneration whether by way of fees or travelling allowance or other allowances, as the Minister may determine in consultation with the Conservation Commission.

6. The names of all members of the Conservation Commission as at first constituted and every change in the membership thereof shall be published in the *Gazette*.

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7.(1) The seal of the Conservation Commission shall be kept in the custody of the Chairman or Deputy Chairman or such officer of such Commission as the Conservation Commission may approve and may be affixed to documents or instruments pursuant to a resolution of the Commission and in the presence of the Chairman or Deputy Chairman and the Secretary to the Conservation Commission.

(2) The seal of the Conservation Commission shall be authenticated by the signature of the Chairman or the Deputy Chairman and the Secretary to the Conservation Commission.

(3) All documents or instruments, other than those required by law to be under seal, made by, and all decisions of, the Conservation Commission may be signified under the hand of the Chairman or Deputy Chairman.

8.(1) The Conservation Commission shall meet at such times as may be necessary or expedient for the transaction of its business and each meeting shall be held on such days and at such times and places as the Conservation Commission determines.

(2) The Chairman or, if he is for any reason whatsoever unable to act, the Deputy Chairman, may at any time call a special meeting of the Conservation Commission and shall call a special meeting within seven days of the receipt by him of a requisition for that purpose addressed to him in writing by any three members.

9. The Chairman or, in his absence, the Deputy Chairman, shall preside at all meetings of the Conservation Commission, and in the case of the absence of both the Chairman and the Deputy Chairman, the members present and constituting a quorum may elect a temporary Chairman from among their number who shall preside at that meeting.

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10. Five members of the Conservation Commission present at any meeting constitute a quorum.

11. The decisions of the Conservation Commission at any meeting shall be by a majority of votes and in the event of an equality of votes the Chairman or the Deputy Chairman presiding at the meeting has a casting vote.

12.(1) The Minister may at any time revoke the appointment of any member if he thinks it expedient so to do.

(2) In the case of any member appointed by the Minister in accordance with section 8(b), (c) or (d), any revocation shall be made upon the recommendation of such person or body upon whose recommendation the appointment was made.

SECOND SCHEDULE (Section 17)

Legal Description of

Brimstone Hill Fortress National Park

All the lands, messuages, tenements, estate and hereditaments known as Brimstone Hill, including the fortifications and buildings thereon, situate in the Parish of Saint Thomas, Middle Island, in the Island of Saint Christopher, bounded on the North by Chalk Farm Estate, on the South by New Guinea Estate, on the East by Walk Estate, and on the West by Romney Ground Estate now part of Bourkes Estate, or howsoever otherwise the same may be abutted, bounded, known or described, together with all hedges, ditches, fences, ways, paths, passages, waters, drains, watercourses, woods, underwoods, rights, lights, liberties, easements and appurtenances whatsoever to the said hereditaments and premises or any part thereof belonging or with the same now or heretofore held, used, occupied, or enjoyed, or reputed, or known as part and parcel thereof, or appurtenant thereto.

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THIRD SCHEDULE

(Section 38)

Wild Animals and Wild Birds

Wild Animals

Deer

Wild Birds

- | | |
|-------------------------|---|
| 1. Humming birds | 17. Crane |
| 2. Yellow breast | 18. Kingfisher |
| 3. West Indian Canary | 19. Soursop bird |
| 4. Banana Bird | 20. Black witch |
| 5. Pea whistler | 21. Pheasants (all varieties
but not including pheasant
raised and kept in custody
and which have not been
released or abandoned) |
| 6. Blacksmith | |
| 7. West Indian Robin | |
| 8. Chitty birds | |
| 9. Gaudings | |
| 10. Barbados black bird | |
| 11. Loggerhead | 22. Wood dove |
| 12. Wild pigeon | 23. Ground dove |
| 13. Partridge | 24. Quail |
| 14. Wild duck | 25. Coots (red and white seal) |
| 15. Coo-coo | 26. Mountain dove |
| 16. Tern | 27. Hawk |
| | 28. Pelican |

FOURTH SCHEDULE

(Section 23)

Description of Bath Hotel

All that property known as Bath Hotel situated in Charlestown in the parish of Saint John bounded on the north by Stoney Grove Estate on the east by Bellevue Estate on the south by Bath Estate and on the West by a public road.

IVAN BUCHANAN
Speaker.

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Passed by the National Assembly this 21st day of
April, 1987.

F. ALPHONSO LEWIS
Clerk of the National Assembly.