



ST. HELENA

(Chapter No. not allocated yet)

NATIONAL PARKS ORDINANCE

Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown

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Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

NATIONAL PARKS ORDINANCE

Page

2

Ordinance 14 of 2003 ... in force on ... *(Not in force yet)*

Amended by Ord. 2 of 2008

¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

NATIONAL PARKS ORDINANCE

(Ordinances 14 of 2003 and 2 of 2008)

AN ORDINANCE TO PROVIDE POWERS TO PERMIT THE ESTABLISHMENT OF PARKS, NATURE RESERVES, SANCTUARIES AND AREAS OF HISTORICAL INTEREST, AND GENERALLY FOR THE CONSERVATION OF THE NATURAL ENVIRONMENT AND ECOLOGY OF ST. HELENA AND FOR PURPOSES CONNECTED THEREWITH.

Commencement

[Not in force yet]

Short title and commencement

1. This Ordinance may be cited as the National Parks Ordinance, 2003 and shall come into force on such date as the Governor may by notice in the Gazette appoint.

Interpretation

2. In this Ordinance, unless the context otherwise requires—

“**area of historical interest**” means an area declared to be of historical interest under section 3;

“**court**” means the Magistrates’ Court;

“**development**” includes any change in use, the erection of any structure and the carrying out of any drainage, dredging or sewerage scheme, and such other activities as may be prescribed by the Governor by order;

“**national park**” means a national park established under section 3;

“**nature reserve**” means a nature reserve established under section 3;

“**private land**” means any land the title to which is vested in any person other than the Crown or the Government of St. Helena;

“**sanctuary**” means a sanctuary established under section 3.

Declaration of national parks, etc.

3. The Governor in Council may by order declare any area in St. Helena, including any part of the territorial waters, to be—

- (a) a national park; or
- (b) a nature reserve; or
- (c) a sanctuary; or
- (d) an area of historical interest.

Usage of national parks, etc.

4.² (1) Subject to any regulations relating to any particular national park or nature reserve —

- (a) an area which is designated as a national park shall be open to members of the public for recreational use, including camping, fishing and sailing;

² Section 4 amended by Ord 2 of 2008

(b) an area which is designated as a nature reserve may be used for agricultural, arboricultural, piscicultural, sporting and recreational purposes, subject to such restrictions as may be prescribed and which may be considered desirable to ensure a proper balance in the natural ecology of the area.

(2) The declaration of an area as a sanctuary shall be made primarily for the purpose of the protection of the natural ecology, or of any particular form of living organism (including any marine life), in the area, and the avoidance of disturbance of the area by human activity, either at any time or at particular times according to the circumstances and the form of life which it is desired to protect. Entry into a sanctuary shall not be permitted except in accordance with any regulations made in respect of that sanctuary and no person shall carry out any development in a sanctuary.

(3) The declaration of an area of historical interest shall be primarily for the purpose of protecting an object of historical interest in the area. Such an area may form part of a national park, nature reserve or sanctuary, and in such case shall be subject to those provisions of this section and any regulations that are applicable to that park, reserve or sanctuary. In the case of any other area of historical interest, the public shall have access to the area, or to any object of interest therein, during such times and subject to such conditions as may be prescribed by regulations which are applicable to that area.

(4) ...

Provisions with respect to land in areas declared to be national parks, etc

5. In any case in which private land is included in any area which has been declared to be a national park, a nature reserve, a sanctuary or an area of historical interest and the Governor in Council does not consider that it is necessary for the purpose to which the declaration relates to acquire such land under the Lands Acquisition Ordinance, persons entitled to any interest therein shall be entitled to receive compensation from the Government for the diminution, if any, in the value of their interest consequential upon any restrictions imposed on their use of the land by reason of such declaration.

Restriction on certain activities harmful to the ecology

6. (1)³ If the Governor in Council is satisfied that—

(a) it is, or is likely to become, necessary for the prevention of the pollution of, or any other harmful or disturbing effect or influence on, the natural ecology of any national park, nature reserve or sanctuary; or

(b) the preservation of any particular form of living organism (including vegetable or marine life) in any part of St. Helena so requires,

the Governor may by order impose restrictions on the depositing or discharge of any waste or harmful matter in any area which he considers would have direct or indirect harmful effect on such natural ecology or living organism.

(2) The provisions of section 5, with respect to the assessment and payment of any compensation, shall apply *mutatis mutandis* in the case of any diminution in the value of any interest in land by reason of any restrictions imposed by order made under this section.

Enforcement

7. (1) Any person who—

³ Section 6(1) amended by Ord. 2 of 2008

(a)⁴ ...

(b) fails to comply with any restriction imposed by an order made under section 6; or

(c) enters any sanctuary without authority,

shall be guilty of an offence and shall be liable on summary conviction to a fine of £20,000 or to twelve months imprisonment or to both such fine and imprisonment.

(2) The court before which any person is convicted under the provisions of this section may order the demolition of any structure erected or the reinstatement of anything altered or removed in contravention of the provisions referred to in subsection (1), and in default of compliance with any such order of the court, the Governor may cause the necessary work to be carried out and may recover as a civil debt the cost of so doing from the person in default.

(3) An appeal shall lie to the Supreme Court from any decision or order of the Magistrates' Court made under this section.

Regulations

8. (1) The Governor in Council may make regulations for carrying into effect the purposes and provisions of this Ordinance, and without derogation from the generality of the power hereby conferred, such regulations may provide—

(a) for the control and management of national parks, nature reserves, sanctuaries and areas of historical interest;

(b) the conditions subject to which members of the public shall be permitted to enter and use any national park, nature reserve or area of historical interest, and for the issue of licences to permit persons to enter any national park, nature reserve, sanctuary or area of historical interest for any particular purpose;

(c) for the regulation and control of prohibition of any hunting or fishing in or the removal of any living organism or any substance from any national park, nature reserve, sanctuary or area of historical interest;

(d) for the appointment of persons as wardens and for the conferring on such wardens of powers to enforce the regulations;

(e) that a contravention of a provision of the regulations constitutes an offence and for a penalty on summary conviction in respect of such contravention not exceeding—

(i) a fine of £20,000 or a term of imprisonment for 12 months or both; and

(ii) in the case of a continuing offence, a fine of £50 for every day or part of a day on which the offence continues;

(f) power for a court to order a person convicted of an offence referred to in paragraph (e) to pay the cost of repairing any damage to a national park, nature reserve, sanctuary or area of historical interest caused by the commission of such offence;

(g) power for a warden, a police officer or a sea fishery officer to arrest without warrant any person whom such warden or officer, as the case may be, reasonably suspects to be committing, to have committed or to be about to commit an offence against the regulations or this Ordinance, and for the seizure or forfeiture to the Crown of any article used in the commission of any such offence or alleged offence;

(h) for the imposition of fees and charges in respect of any matter with regard to which provision is made in the regulations or in this Ordinance.

(2) “**sea fishery officer**” has the meaning assigned thereto by the Fishery Limits Ordinance, Cap. 88.

⁴ Section 7(1)(a) repealed by Ord. 2 of 2008