

ST HELENA

REVISED EDITION OF THE LAWS, 2017

ENVIRONMENT AND NATURAL RESOURCES**ENVIRONMENTAL PROTECTION ORDINANCE, 2016¹***Ordinance 1 of 2016**In force 29 February 2016, except section 119(1)(b)
(repeal of Spear Guns Control Ordinance, 2014)**Amended by Ordinance 14 of 2016; L.N. 5/2016 and Ordinance 14 of 2021***MARINE REGULATIONS (TOURISM AND INTERACTION WITH
MARINE LIFE) 2023***Legal Notice 9 of 2023**Existing subsidiary legislation saved by section 119(5):***SPEAR GUNS CONTROL ORDER, 2014***Legal Notice 23 of 2013**Currently under the Spear Guns Control Ordinance, 2014**No new subsidiary legislation to 1 November 2017*

But see the **MANAGEMENT PLAN FOR A MARINE PROTECTED AREA, 2016** issued under section 31(7) and published in Extraordinary Gazette No. 91 of 2016, dated 16th September 2016

ENVIRONMENTAL PROTECTION ORDINANCE, 2016

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AN ORDINANCE to make new provision for the protection of the environment, including the conservation of biodiversity, the regulation of trade in endangered species and the control of pollution, hazardous substances, litter and waste; and for connected and incidental matters.

PART 1 PRELIMINARY

Citation and commencement

1. (1) This Ordinance may be cited as the Environmental Protection Ordinance, 2016, and comes into force on a date the Governor appoints by Order.

(2) An Order under subsection (1) may contain any transitional or consequential provisions that appear to the Governor to be necessary or convenient.

Interpretation

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

“**animal**” includes birds, reptiles, fish and every kind of vertebrate and invertebrate animal;

“**applicant**” means a person applying for a licence, permit or certificate under this Ordinance;

“**approved code of practice**” means a code of practice approved by the Governor in Council under section 13(1);

“**environmental protection notice**” means a notice issued under section 97;

“**emergency environmental protection notice**” means a notice issued under section 98;

“**Management Authority**” means the person or body appointed as such under section 39;

“**management plan**” means a management plan adopted under section 31;

“**marine protected area**” means a marine protected area designated under section 30.

“**national conservation area**” means an area designated as such under Part 7;

“**public authority**” includes any person exercising a public function;

“**public place**” means any place, on land, in water or in the sea, which is open to the air to which the public are entitled or permitted to have access (and “**open to the air**” includes any covered place open to the air on at least one side);

“**re-export**” means the act of taking an item, including any animal, plant, hazardous substance, waste matter or specimen, that was imported out of St Helena, but does not include transit or transshipment;

“**sale**” includes offer or expose for sale, hire, barter or exchange, and “**sell**” has a corresponding meaning;

“**sea**” includes any part of marine waters to which this Ordinance applies;

“**sewer**” means any pipe, drain, culvert (whether open or closed), tunnel or other means of conveying liquid waste or surface runoff;

“**species**” means a species, sub-species or a geographically separate population of a species or sub-species and means any type of animal or plant;

“**specimen**” means—

- (a) any animal or plant, whether alive or dead of a species listed in Appendix 1, 2 or 3;
- (b) in the case of an animal—
 - (i) of a species listed in Appendix 1 or 2, any readily recognisable part or derivative of the animal, and
 - (ii) of a species listed in Appendix 3, any readily recognisable part or derivative of the animal specified in that Appendix in relation to that species; and
- (c) in the case of a plant—
 - (i) of a species listed in Appendix 1, any readily recognisable part or derivative of the plant, and

- (ii) of a species listed in Appendix 2 or 3, any readily recognisable part or derivative of the plant specified in that Appendix in relation to that species;

“**street litter control notice**” means a notice issued under section 77;

“**substance**” means any natural or artificial substance, whether in solid, semi-solid or liquid form or in the form of a gas or vapour, and includes electricity and heat;

“**trade**” means to export, re-export, import or introduce from the sea whether or not for commercial purposes;

“**transhipment**” has the meaning ~~in~~ given to that term by subsection (5);

“**transit**” has the meaning ~~in~~ given to that term by subsection (5);

“**warden**” means any person appointed as warden in accordance with section 86(2);

“**waste**” means any substance or object which the holder discards or intends or is required to discard; and for the purposes of this definition—

- (a) “**holder**” means the producer of the waste or the person who is in possession of it;
- (b) “**producer**” means any person whose activities produce waste or any person who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste.

(2) In this Ordinance, “**release**” means release of a substance into any environmental medium whenever it is released directly into that medium, whether it is released into it within or outside St Helena and includes—

- (a) in relation to air, any emission of the substance into the air;
- (b) in relation to water, any entry (including any discharge) of the substance into water;
- (c) in relation to land, any deposit, keeping or disposal of the substance in or on land; and for this purpose “**water**” and “**land**” are to be construed in accordance with subsections (3) and (4).

(3) For the purpose of determining into what medium a substance is released—

- (a) any release into—
 - (i) the sea or the surface of the seabed;
 - (ii) any river, watercourse, lake or pond (whether natural or artificial or above or below ground) or reservoir or the surface of the riverbed or of other land supporting such waters; or
 - (iii) ground waters,
 is a release into water;
- (b) any release into—
 - (i) land covered by water falling outside paragraph (a) above or the water covering such land; or
 - (ii) the land beneath the surface of the seabed or of other land supporting waters falling within paragraph (a)(ii) above,
 is a release into land; and
- (c) any release into a sewer is to be treated as a release into water, except that a sewer and its contents are to be disregarded in determining whether there is pollution of the environment at any time.

(4) In subsection (3) above “**ground waters**” means any waters contained in underground strata, or in—

- (a) a well, borehole or similar work sunk into underground strata, including any adit or passage constructed in connection with the well, borehole or work for facilitating the collection of water in the well, borehole or work; or

- (b) any excavation into underground strata where the level of water in the excavation depends wholly or mainly on water entering it from the strata.
- (5) In this Ordinance, an item is in transit or being transhipped if—
 - (a) it is being transported between two countries or territories other than St Helena;
 - (b) it is being transported to a named consignee;
 - (c) any interruption of the item's movement between those countries or territories arises only from the arrangements necessitated by transfer or transshipment;
 - (d) any transit and any movement within the jurisdiction of St Helena is in accordance with the laws in relation to customs and excise.

Application

3. This Ordinance applies to St Helena and extends to 200 nautical miles from the baselines as established by Articles 3 and 4 of the St Helena and Dependencies (Territorial Sea) Order 1989.

PART 2 OBJECTIVES, PRINCIPLES AND GENERAL DUTY

Objectives

4. The objectives of this Ordinance are to preserve and sustain the natural environment of St Helena, including by—
- (a) protecting and conserving biodiversity and the habitats, ecosystems and ecological systems that support biodiversity;
 - (b) preventing, minimising or mitigating pollution, waste and littering;
 - (c) minimising the risks to the environment from the introduction of potentially harmful materials or organisms; and
 - (d) conserving and enhancing natural beauty and geological or physiographical features of special interest.

Principles

5. When performing any function which may affect or influence the achievement of the objectives of this Ordinance, a public authority must have regard to and, as far as is reasonably practicable and proportionate, apply the following principles—
- (a) the precautionary principle, by which if there are reasonable grounds for concern that any activity may cause harm to the environment, preventive measures should be taken in anticipation of the risk, whether or not there is conclusive evidence of a causal relationship between that activity and such harm;
 - (b) the best available techniques principle, by which the best techniques that are for the time being available and the best environmental practices that are for the time being recognised should be used in relation to any particular environmental management process, activity or measure;
 - (c) the polluter pays principle, by which the costs of preventing, controlling, reducing and eliminating environmental harm that may be caused or is caused by a particular activity should be borne by the persons who cause or knowingly permit it; and

- (d) the principle of inter-generational equity, by which the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

General duty regarding environment

6. (1) Without prejudice to the performance of any function required or authorised under any other enactment, it is the duty of any public authority in St Helena, when preparing any policy, plan or programme, the implementation of which may cause or lead to the causing of significant environmental effects, to have regard to the objectives in section 4 and the principles in section 5.

(2) A public authority must also seek to integrate long-term and short-term environmental considerations into its decision-making processes, having regard to the objectives in section 4 and the principles in section 5.

PART 3 ADMINISTRATION

Environmental Officers

7. (1) The Governor must appoint a Chief Environmental Officer and may appoint any other Environmental Officers that are necessary or desirable for the administration of this Ordinance.

(2) Subject to this Ordinance, the Chief Environmental Officer is responsible for the administration and operation of the processes of environmental protection, management and control for which this Ordinance provides.

(3) The Chief Environmental Officer may delegate any of his or her powers and duties under this Ordinance to any other Environmental Officer.

(4) The Chief Environmental Officer and any other Environmental Officer has the powers conferred on, and must perform the duties required of, such an officer by this Ordinance or any other law.

Functions of Chief Environmental Officer

8. (1) Subject to this Ordinance, the Chief Environmental Officer may take all measures and carry out all functions that are necessary or expedient for the purposes of implementing and attaining the objectives of this Ordinance.

(2) In particular, and without limiting subsection (1) or the specific functions of the Chief Environmental Officer prescribed elsewhere in this Ordinance, the measures and functions referred to in subsection (1) may include any of the following matters, namely—

- (a) co-ordination of actions by public authorities—
 - (i) under or pursuant to this Ordinance, including regulations made under it; or
 - (ii) under any other law which relates to the purposes of this Ordinance;
- (b) preparations of proposals and recommendations to the Governor in Council for the making of regulations under this Ordinance;

- (c) development and implementation of policies concerning the environment;
- (d) planning and execution of programmes, plans and other actions concerning the protection of the environment and the management of environmental impacts or threats;
- (e) preparation of manuals, codes or guidelines relating to the protection of the environment and the management of environmental impacts or threats;
- (f) formulation of plans and planning activities for the prevention of, preparedness for and response to environmental emergencies and for the restoration of any part of the environment damaged by or during such an emergency;
- (g) carrying out or commissioning investigations, research and studies relating to the environment and environmental protection;
- (h) collecting and disseminating data and information relating to the environment and environmental protection; and
- (i) any other matters the Chief Environmental Officer considers necessary or expedient for the purposes of implementing and attaining the objectives of this Ordinance.

(3) The Chief Environmental Officer may provide advisory and technical services and information related to the matters in subsection (2), and may charge reasonable fees for such services.

Advice by Chief Environmental Officer

9. (1) The Chief Environmental Officer is the principal adviser to the Governor in Council on matters relating to the protection of the environment.

(2) Before exercising any function conferred by this Ordinance in relation to any matter, the Governor in Council must obtain and consider the advice of the Chief Environmental Officer or of any other Environmental Officer designated by the Chief Environmental Officer to give advice in relation to the relevant subject.

Appeals

10. (1) An applicant may appeal to the Magistrates' court—

- (a) in respect of an application under section 25, against any decision by the Chief Environmental Officer that was the subject of that application;
- (b) in respect of an application under sections 49, 57 or 60, against any decision by the Management Authority that was the subject of that application;
- (c) in respect of a pollution control permit held by the applicant, against a decision of the Chief Environmental Officer under section 67(4); or
- (d) in respect of an approval for the transboundary movement of hazardous waste, against a decision of the Chief Environmental Officer and Collector of Customs and Excise under section 84(1).

(2) In respect of a permit, certificate or licence that has been granted to a person, that person may appeal against any decision by the Management Authority to—

- (a) refuse to accept a permit, certificate or other document under section 55(1);
- (b) alter that permit, certificate or licence on the Authority's own initiative under section 57; or
- (c) revoke that permit, certificate or licence under section 59.

(3) In respect of a finding under section 73 of liability for historical pollution, any person to whom the finding applies may appeal against any decision by the Chief Environmental Officer related to that finding.

(4) An appeal under this section must be brought within 21 days after the appellant receives notice in writing of the decision appealed against or within any further time the court allows.

(5) Unless the court so orders, the lodging of an appeal does not operate to stay the effect of a decision pending the determination of the appeal.

(6) On hearing the appeal, the court may—

- (a) confirm, reverse or vary the decision against which the appeal is brought; and
- (b) make any order as to the costs of the appeal it thinks fit.

PART 4

GENERAL MEASURES FOR ENVIRONMENTAL MANAGEMENT

Regulations

11. (1) The Governor in Council may make regulations under this section generally for carrying into effect the provisions of this Ordinance.

(2) Without limiting subsection (1) or any specific provision about regulations set out elsewhere in this Ordinance, regulations may provide for—

- (a) the form of any application, notice or other document required to be made, issued or served under this Ordinance;
- (b) the payment of fees or any other charges payable under this Ordinance;
- (c) prescribing any thing required by this Ordinance to be prescribed.

(3) Subject to subsection (4), when making regulations under subsection (1), the Governor in Council must, before the regulations in question are made—

- (a) obtain, to the extent it is available, any scientific advice the Governor in Council considers necessary;
- (b) consult with the Chief Environmental Officer and, to the extent reasonable in light of the proposed regulations, any other persons that may have an interest in or be affected by the proposed regulations; and
- (c) take into account the objectives in section 4 and general principles in section 5.

(4) The consultation requirements in subsection (3) may be dispensed with if the Governor in Council considers that regulations are required urgently, in which case those requirements must be carried out as far as possible prior to the making of the regulations and must in any event be completed as soon as is practicable after the making of the regulations.

(5) Any regulations made under this Ordinance may prescribe specific offences and provide that any person who commits such an offence is liable—

- (a) to a fine of not more than £50,000;
- (b) if the offence is a continuing offence, to a further fine of £500 for each day during which the offence continues; and

- (c) to imprisonment for not more than 12 months.

Codes of practice

12. (1) The Chief Environmental Officer may, if he or she considers that doing so would further the objectives of this Ordinance—

- (a) develop or commission the development of codes of practice; or
- (b) adopt codes of practice prepared by other organisations or persons.

(2) Without limiting subsection (1), codes of practice may—

- (a) set standards for the quality of environment in its various aspects;
- (b) set standards for emission or discharge of environmental pollutants;
- (c) define procedures and safeguards for the prevention of accidents which may cause environmental harm and remedial measures for such accidents;
- (d) define procedures and safeguards for the handling of hazardous substances;
- (e) define procedures for the examination of manufacturing processes, materials and substances that may cause environmental harm;
- (f) define or evaluate the limits or thresholds applicable to activities which use the resources of environmental systems.

(3) When developing, commissioning or adopting codes of practice under this section, the Chief Environmental Officer must have particular regard to any generally accepted international practice and standards, including environmental management standards disseminated by the International Standards Organisation.

(4) In this section and section 13, “**code of practice**” means a code of practice, guidelines, standards or other similar document designed for the purpose, or being capable of having the effect, of—

- (a) promoting, improving or contributing to environmental protection;
- (b) improving the management of environmental risks; or
- (c) promoting or otherwise contributing to the attainment of the objectives of this Ordinance.

Approved codes of practice

13. (1) The Governor in Council may approve a code of practice by—

- (a) notice in the *Gazette*; and
- (b) publishing with that notice (either in the notice or by reference to publication elsewhere) the code of practice being approved.

(2) The Chief Environmental Officer may, within an approved code of practice or otherwise, determine procedures for certification, monitoring and auditing in respect of particular activities and classes of activity designed to ensure that approved codes of practice are adequately applied and may make compliance with such procedures a condition of a licence issued under this Ordinance.

(3) Without affecting any regulations made under this Ordinance, any conditions of any licences or authorisations issued under this Ordinance or any requirements or duties imposed under any other enactment, a failure to comply with a provision of an approved code of practice does not make a person liable to criminal or civil proceedings.

- (4) An approved code of practice—
 - (a) is admissible in evidence in any proceedings; and
 - (b) must be taken into account by a court in any case in which it appears to the court to be relevant.

Management agreements

14. (1) The Chief Environmental Officer may make an agreement (a “**management agreement**”) with a person who has an interest in land about the management or use of the land, if doing so would further the objectives of this Ordinance.

- (2) A management agreement may, in particular—
 - (a) impose on the person who has an interest in the land obligations in respect of the use of the land;
 - (b) impose on the person who has an interest in the land restrictions on the exercise of rights over the land;
 - (c) provide for the carrying out of any work that may be expedient for the purposes of the agreement by any person or persons;
 - (d) provide for any matter for which a management scheme or measure in relation to a national conservation area provides (or could provide);
 - (e) provide for the making of payments by either party to the other party or to any other person;
 - (f) contain incidental and consequential provision.
- (3) A management agreement is, unless the agreement otherwise provides—
 - (a) binding on persons deriving title under or from the person with whom the Chief Environmental Officer makes the agreement (and in such a case must be registered in accordance with subsection (4)); and
 - (b) enforceable by the Chief Environmental Officer against those persons.

(4) In the case of a requirement to register an agreement under subsection (3), a true copy of the management agreement (certified as such by the Chief Environmental Officer), must be filed with the Registrar of Lands who must note the agreement as an overriding interest (in terms of section 28(c) of the Registered Land Ordinance, 1980), in the incumbrances section of the title to the affected land.

Environmental monitoring

15. (1) The Chief Environmental Officer must, within 12 months of the entry into force of this Ordinance, establish and then operate and maintain, a system for monitoring environmental quality.

- (2) The Chief Environmental Officer must co-ordinate the activities of public authorities in St Helena in relation to—
 - (a) the continuous or periodic collection, collation and analysis of data concerning the state of the environment; and
 - (b) the continuous or periodic sampling and analysis of effluents, emissions and discharges into the environment.

(3) For the purpose of enforcing this Ordinance or any regulations made under it, the Chief Environmental Officer may include in any licence, permit or agreement such conditions as to require the holder of the licence—

- (a) to carry out at the holder's own reasonable expense any environmental monitoring activities specified by the Chief Environmental Officer; and
- (b) to submit environmental monitoring reports as required by the Chief Environmental Officer from time to time.

Reporting

16. The Chief Environmental Officer must publish a periodic report, at intervals determined by him or her, but in any case no less than once every 2 years, on the state of the environment of St Helena, including—

- (a) a summary of the current state of the terrestrial and marine environment, including but not limited to air, soil and water quality, terrestrial and marine flora and fauna;
- (b) the principal activities in achieving the protection and improvement of the environment of St Helena since the publication of the previous report;
- (c) the progress against the targets set out in a national environmental management plan or any equivalent national policy documents or plans;
- (d) a summary of the licences, notices and fines issued and offences and prosecutions relating to this Ordinance; and
- (e) other relevant information relating to the environment of St Helena.

PART 5

MULTILATERAL ENVIRONMENTAL AGREEMENTS

Incorporation of international obligations into national law

17. (1) The multilateral environmental agreements specified in Schedule 1 have been extended to St Helena and the Chief Environmental Officer must take, recommend or promote all general or specific measures and carry out all other of his or her functions under this Ordinance as are necessary in order to achieve the objectives of this Ordinance as it applies to protecting the environment.

(2) The Governor in Council may make regulations for the purpose of meeting St Helena's obligations under any of the multilateral environmental agreements specified in Schedule 1.

(3) Without limiting subsection (2), and notwithstanding section 33 of the Interpretation Ordinance, 1968, regulations made under it may prescribe specific offences under this Ordinance and provide that any person who commits such an offence is liable—

- (a) to a fine of not more than £1,000,000;
- (b) if the offence is a continuing offence - to a further fine of £1,000 for each day during which the offence continues; and
- (c) to imprisonment for not more than 2 years.

(4) The Governor in Council may from time to time amend Schedule 1 by order and must as soon as practicable lay a notice of the order before the Legislative Council.

PART 6 CONSERVATION OF BIODIVERSITY

General duties and functions in relation to conservation of biodiversity

18. (1) The Chief Environmental Officer must take, recommend or promote such general measures under Part 4 and carry out any other of his or her functions under this Ordinance that are necessary in order to achieve the objectives of this Ordinance as it applies to conserving biodiversity.

- (2)** The objectives of this Ordinance as it applies to conserving biodiversity include—
- (a)* the conserving, restoring or enhancing biodiversity, at all levels;
 - (b)* the sustainable use of components of biodiversity, at all levels;
 - (c)* the protection of native species, and preventing the extinction (and promoting the recovery) of threatened species;
 - (d)* the protection of biodiversity, at all levels, by means that include the effective management of national conservation areas, and the promotion of conservation measures outside national conservation areas;
 - (e)* the protection of biodiversity at all levels from potentially harmful non-native species, through biosecurity measures; and
 - (f)* the identification of processes that threaten all levels of biodiversity and the implementation of plans to address these processes.

(3) In carrying out the functions described in subsection (1), the Chief Environmental Officer must have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity in accordance with the international conventions and agreements referred to in Schedule 1.

Protection of biodiversity

19. (1) The animals described in Part 1 of Schedule 2 are protected animals.

(2) The plants described in Part 2 of Schedule 2 are protected plants.

(3) Subject to subsection (4), the Governor in Council may by order amend Schedule 2 and must as soon as practicable lay a notice of the order before the Legislative Council.

(4) Before publishing any amendment to Schedule 2, or from time to time in order to give consideration to the need for amendment of Schedule 2, the Governor in Council must consult any ~~other~~ persons the Governor in Council considers appropriate as to the living organisms, habitats or other components of biodiversity that are of principal importance in St Helena and ought to be protected under this Ordinance.

(5) In respect of any living organism, habitat or other component of biodiversity included in Schedule 2, the Chief Environmental Officer must give consideration to the need to designate an area to be a national conservation area in order to conserve, restore or enhance such living organism, habitat or other component of biodiversity and must either—

- (a)* in cases where the necessary responsibility has been transferred to the Chief Environmental Officer under regulation 6(a) of the Land Planning and Development

Control (Development Plans) Regulations, 2013 made under the Land Planning and Development Control Ordinance, 2013 - prepare such Development Management Plans under that Ordinance as he or she considers necessary; or

- (b) in other cases - develop a proposal or recommendation for the establishment of a national conservation area.

Protected species

Prohibitions relating to protected animals

20. (1) Subject to subsection (2) and sections 24(5) and 28, it is an offence for a person wilfully or recklessly to do any of the following in relation to a protected animal—

- (a) hunt, collect, kill, wound, pursue, capture or molest it;
- (b) have possession of it;
- (c) disturb it, during the period of breeding, incubation, estivation or migration;
- (d) take, remove, damage, destroy or possess any nest or egg of it;
- (e) disturb, damage or destroy the habitat of it; or
- (f) sell, export or have it in the person's possession, or transport it for the purposes of sale or export.

Penalty: A fine of £50,000 or imprisonment for 12 months, or both.

(2) Subsection (1) does not apply to any person acting with authority of and in accordance with a licence.

(3) Subsection (1)(b), (d), (e) and (f) apply whether the animal is living or dead.

(4) Subsection (1)(b) and (f) apply to any part of or anything derived from the animal.

Prohibitions relating to protected plants

21. (1) Subject to subsections (2) and (3) and sections 24(5) and 28, it is an offence for a person to—

- (a) wilfully or recklessly to pick, collect, cut, uproot or take any protected plant, by any method, or attempts to do any such thing;
- (b) have possession of any protected plant;
- (c) disturb, damage or destroy the habitat of any protected plant; or
- (d) sell, offer or expose for sale or export; or
- (e) have in the person's possession, or transport, for the purposes of sale or export,

any protected plant, any part of such a plant, or anything made wholly or partly from such a plant.

Penalty: A fine of £50,000 or imprisonment for 12 months, or both.

(2) Subsection (1) does not apply to any person acting with authority of and in accordance with a licence.

(3) A person is not guilty of an offence under subsection (1)(a) if the person shows that the picking, uprooting, collecting or destroying was an incidental result of a lawful operation and could not reasonably have been avoided.

New species and invasive or potentially invasive species

Introduction, etc. of non-native species

- 22. (1)** Subject to subsection (2), it is an offence for a person wilfully to—
- (a) introduce, release or allow to escape into the wild any animal—
 - (i) which is of a kind which is not ordinarily present in or a regular visitor to St Helena in a wild state; or
 - (ii) the importation of which is prohibited under the Customs and Excise Ordinance, 1999; or
 - (b) introduce, plant or otherwise cause to grow in the wild any plant—
 - (i) which is of a kind which is not ordinarily present in St Helena in a wild state; or
 - (ii) the importation of which is prohibited under the Plants Protection Ordinance, 1938.

Penalty: A fine of £50,000 or imprisonment for 12 months, or both.

(2) Subsection (1) does not apply to any person acting with authority of and in accordance with a licence or other permission or authorisation related to the animal or plant issued by a public authority under any other enactment.

Sale, etc. of non-native species

- 23. (1)** It is an offence for a person to—
- (a) sell, offer or expose for sale, or have in the person's possession; or
 - (b) transport for the purposes of sale—
 - (i) an animal or plant referred to in subsection (4); or
 - (ii) anything from which such an animal or plant can be reproduced or propagated.

Penalty: A fine of £50,000 or imprisonment for 12 months, or both.

(2) It is an offence for a person **to** publish or cause to be published any advertisement likely to be understood as conveying that the person buys or sells, or intends to buy or sell—

- (a) an animal or plant referred to in subsection (4); or
- (b) anything from which such an animal or plant can be reproduced or propagated.

Penalty: A fine of £50,000 or imprisonment for 12 months, or both.

(3) Subsection (1) does not apply to any person acting with authority of and in accordance with a licence or other permission related to the animal or plant issued by a public authority under any enactment.

- (4)** Subsections (1)(a) and (2)(a) apply to an animal or plant which—
- (a) is within section 22(1); and
 - (b) is a live animal or live plant.

- (5)** *Omitted*

Discovery of new species

24. (1) If an animal or plant is discovered in St Helena and appears or is believed to be a species previously unknown in St Helena, the animal or plant is deemed to be a protected animal or protected plant, as the case may be, until either the regulations referred to in subsection (3) are made or a notice under subsection (4) is published.

(2) Any person who makes a discovery of an animal or plant which appears or is believed to be a species previously unknown in St Helena must notify the Chief Environmental Officer of that discovery as soon as is reasonably practical.

(3) Taking such scientific advice as is necessary, the Chief Environmental Officer must consider whether an animal or plant referred to in subsection (1) should be included in Schedule 2 (concerning species of principal importance for the purpose of conserving biodiversity in St Helena) and if necessary must make a recommendation to the Governor in Council on the need for the amendment of Schedule 2

(4) If the Chief Environmental Officer or the Governor in Council does not consider that an animal or plant referred to in subsection (1) should be included in Schedule 2, the Chief Environmental Officer must publish a notice confirming that the species is not to be treated as a protected animal or protected plant.

(5) It is not an offence under this Part if, in relation to the process of identifying an animal or plant which is a protected animal or protected plant by virtue of subsection (1), the animal or plant was disturbed and the disturbance was—

- (a)* intended to allow for the advancement of scientific knowledge concerning the biodiversity or habitats of St Helena; and
- (b)* necessary as the only available means to enable the advancement of scientific knowledge concerning the biodiversity or habitats of St Helena.

Licences

Licences

25.² (1) Subject to subsections (2) and (3) and section 26, the Chief Environmental Officer or any public authority working in co-ordination with the Chief Environmental Officer may grant a licence authorising any person to do anything which would otherwise constitute an offence under any provision of this Part.

(2) The Chief Environmental Officer may only grant a licence if the thing to be authorised will be done—

- (a)* subject to section 26, for scientific, research or educational purposes;
- (b)* subject to section 27, for recreational or commercial purposes;
- (c)* for the purpose of preserving public health or public safety, including preventing the spread of disease;
- (d)* for the purpose of conserving biodiversity; or
- (e)* for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, fisheries or other forms of property, whether movable or immovable.

² Section 25 amended by Ord. 14 of 2021

(3) The Chief Environmental Officer, taking such scientific advice as he or she considers necessary, must not grant a licence for any purpose mentioned in subsection (2) unless satisfied that, as regards that purpose, there is no other satisfactory solution and that anything authorised by the licence will not be detrimental to the survival of the population concerned.

- (4) A licence must be granted for the period stated in it, and may be—
- (a) general or specific;
 - (b) granted either to persons of a class or to a particular person;
 - (c) subject to compliance with any specified conditions;
 - (d) modified or revoked by the Chief Environmental Officer at any time.

(5) A licence which authorises any person to kill protected animals must specify the area within which and the methods by which such animals may be killed.

(6) The Chief Environmental Officer may charge a fee for the grant of a licence.

(7) Plant propagation licences, captive breeding licences, fisheries licences under the Fisheries Ordinance, 2021, and traditional rock fishing permitted under that Ordinance which complies with all current fisheries control notices under section 19 of that Ordinance, are to be construed as appropriate permissions under this section.

Licences for scientific, research or educational purposes

26. (1) A person applying for a licence in relation to scientific, research or educational purposes must provide to the Chief Environmental Officer ~~with~~ a plan for the proposed operation in addition to any other information the Chief Environmental Officer may require under section 25.

- (2) Permission to undertake scientific or research operations may be granted only to a person who can satisfy the Chief Environmental Officer that the person has—
- (a) access to or a guarantee of sufficient funds to undertake the operations in a satisfactory manner; and
 - (b) the scientific competence to undertake the operations, as assured by any recognised learned society institution of higher learning or such evidenced training as is deemed appropriate.

(3) The Chief Environmental Officer may attach to any licence granted under section 25(2)(a) a requirement that the data and results of the scientific or other research operations are shared with the Chief Environmental Officer.

Licences for recreational or commercial purposes

27. (1) A person applying for a licence in relation to recreational or commercial purposes must provide to the Chief Environmental Officer a plan for the proposed operation in addition to any other information the Chief Environmental Officer may require under section 25.

(2) Permission to undertake a recreational or commercial operation or activity may be granted only to a person who can satisfy the Chief Environmental Officer that—

- (a) there is an overriding public interest in permitting the recreational or commercial operation or activity, taking into account the impact of the operation or activity on biodiversity in St Helena;
- (b) all alternative practical means of carrying out the recreational or commercial operation or activity have been considered;
- (c) the person has adopted a plan to ensure that the recreational or commercial operation or activity is carried out with the minimal practicable impact on biodiversity and with the greatest practicable protections for any affected protected animal or protected plant; and
- (d) the person has the technical and other capacity to fulfil the plan referred to in paragraph (c).

(3) The Chief Environmental Officer may attach to any licence granted under section 25(2)(a) a requirement that the plan referred to in subsection (2)(c) is complied with.

Defences

Defences

28. (1) Subject to subsection (4), it is a defence to a charge of committing an offence under this Part to prove that the defendant took all reasonable steps and exercised all due diligence to avoid committing the offence.

(2) For the purpose of subsection (1), “reasonable steps” include applying or following any approved code of practice.

(3) Subject to subsection (4), it is a defence to a charge of committing an offence under section 20(1) to prove that committing the offence was intended to alleviate unnecessary suffering of the animal.

(4) If a defence provided by this section involves an allegation that the commission of the offence was due to the act or default of another person, the person charged is not, without leave of the court, entitled to rely on the defence unless, within a period ending 7 clear days before the hearing, the person has served on the prosecutor a notice giving any information identifying or assisting in the identification of the other person as was then in the possession of the person charged.

PART 7 NATIONAL CONSERVATION AREAS

Interpretation of this Part

29. *Omitted*

Marine protected areas

30. (1) The Governor in Council may designate any area in the sea to be a marine protected area, if the conditions in subsection (3) are met.

(2) A marine protected area, or any part of it, may also be designated as a national conservation area.

(3) The conditions referred to in subsection (1) are that—

- (a) management measures are required to—
 - (i) protect habitat and ecosystems;
 - (ii) protect biodiversity, at any level; or
 - (iii) ensure sustainable use of the marine environment; and
- (b) those management measures limit the disturbance of an area by human activity, either at any time or at particular times.

(4) In a management plan relating to a marine protected area—

- (a) subject to any regulations made under this Ordinance, any right of access to or upon any foreshore or part of the foreshore comprised in a marine protected area or any right of navigation (other than anchorage) through or across any water at any material time comprised in any marine protected area remains unaffected;
- (b) despite anything in a management plan, or in any regulations made under this Ordinance, in time of stress or emergency any vessel may anchor within a marine protected area and any measures may be taken by any person to avoid loss of human life or of property or injury to human life or to property that in the circumstances are expedient;
- (c) the Chief Environmental Officer, with the concurrence of the public authorities responsible for maritime traffic and the management of the fisheries zone, may cause to be marked and at all times to be kept marked, by means of any beacons, lights, buoys, or marks that the Chief Environmental Officer considers necessary, the boundaries of the marine protected area.

Management plans

31. (1) If a national conservation area or marine protected area has been designated, the Chief Environmental Officer must adopt a management plan in accordance with this section for that national conservation area or marine protected area, as the case may be.

(2) The Chief Environmental Officer is responsible for the preparation and review of management plans.

(3) Each management plan must—

- (a) identify the area covered by the national conservation area or marine protected area;
- (b) describe the status of the environment, natural resources or features as they relate to the management plan;
- (c) specify objectives to be achieved in the management plan;
- (d) specify the operations or schemes which it is proposed to undertake in relation to the national conservation area or marine protected area;
- (e) specify the management rules applicable to the national conservation area or marine protected area;
- (f) include an assessment of risk;
- (g) identify requirements for monitoring, reporting, and assessment; and
- (h) make provision in relation to any other matter necessary for the protection of the environment.

(4) A management plan may include, or may be implemented by, management agreements made under section 14.

(5) A management plan may contain rules for the purposes of ensuring the objectives of the management plan are achieved, and such rules may include—

- (a) prohibitions on access by members of the public to any national conservation area or marine protected area, or any part of it;
- (b) conditions subject to which members of the public must be permitted to enter and use any national conservation area or marine protected area, or any part of it;
- (c) issue of authorisations to permit persons to enter any national conservation area or marine protected area for any particular purpose, notwithstanding a prohibition under paragraph (a) or conditions under paragraph (b);
- (d) the regulation and control of prohibition of recreational and other activities within the national conservation area or marine protected area; and
- (e) the imposition of fees and charges in respect of any matter with regard to which provision is made in this Part.

(6) When preparing a management plan, the Chief Environmental Officer must—

- (a) obtain, to the extent it is available, appropriate scientific advice;
- (b) consult with other relevant public bodies;
- (c) carry out a public consultation on a draft management plan, lasting no less than 28 days;
- (d) take into account of the objectives and principles of this Ordinance; and
- (e) incorporate all relevant policies that apply to the national conservation area or marine protected area.

(7) If the Governor in Council is satisfied that the criteria in subsection (3) have been met and the steps in subsection (6) have been carried out, the Governor in Council must adopt and publish the management plan by notice in the *Gazette*.³

Review, amendment and revocation of management plans

32. (1) A management plan adopted under section 31(7) is subject to review as required under the responsibility of the Chief Environmental Officer in accordance with this section.

(2) On each occasion a management plan is reviewed, the Chief Environmental Officer must—

- (a) invite observations from the stakeholders principally affected by or with an interest in the plan; and
- (b) if, in the opinion of the Chief Environmental Officer, due to the extent and nature of the proposed changes, it would be appropriate, carry out a public consultation, lasting no less than 28 days.

³ See the **MANAGEMENT PLAN FOR A MARINE PROTECTED AREA**, issued under section 31(7) and published in Extraordinary Gazette No. 91 of 2016, dated 16th September 2016

(3) Taking account of any observation received pursuant to subsection (2), and taking account of the objectives set out for the management plan, the Chief Environmental Officer must make such amendments to the management plan as he or she considers necessary and—

- (a) if the amendments include amendments to management rules - the Governor in Council; and
 - (b) in other cases - the Chief Environmental Officer,
- must adopt and publish the amended management plan by notice in the *Gazette*.

Enforcement

33. (1) A person who contravenes or fails to comply with a management plan adopted under section 31(7) or amended under section 32(3) commits an offence.
Penalty: A fine of £10,000.

(2) The court before which any person is convicted under subsection (1) may order the demolition of any structure erected or the reinstatement of anything altered or removed in contravention of that subsection and in default of compliance with any such order of the court, the Chief Environmental Officer 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 lies to the Supreme Court from any decision or order of a court made under this section.

Regulations

- 34.** Without limiting section 11, regulations made under that section may—
- (a) provide general requirements for the conservation and management of national conservation areas or marine protected areas, or individual types of national conservation area or marine protected area;
 - (b) provide specific requirements for the conservation and management of a particular national conservation area or marine protected area; and
 - (c) confer additional powers on wardens appointed under section 86(2) to enforce management rules.

PART 8 TRADE IN ENDANGERED SPECIES

Preliminary

Interpretation of this Part

- 35.** In this Part, unless the context otherwise requires—
- “**Appendix 1**” means Appendix 1 to CITES and “**Appendix 1 specimen**” means a specimen of a species listed in Appendix 1;
 - “**Appendix 2**” means Appendix 2 to CITES and “**Appendix 2 specimen**” means a specimen of a species listed in Appendix 2;
 - “**Appendix 3**” means Appendix 3 to CITES and “**Appendix 3 specimen**” means a specimen of a species listed in Appendix 3;
 - “**artificially propagated**” has the meaning given by section 36(1);
 - “**bred in captivity**” has the meaning given by section 36(2);

- “**certificate**” means a certificate issued in connection with CITES and “**travelling exhibition certificate**”, “**pre-Convention certificate**”, “**certificate of captive breeding**” and “**certificate of artificial propagation**” mean a certificate of that name granted under section 49 or an equivalent document granted by a recognised management authority;
- “**CITES**” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora signed at Washington, D.C. on 3 March 1973, as amended from time to time;
- “**IATA**” means the International Air Transport Association;
- “**introduction from the sea**” means the introduction into St Helena of any specimen that was captured in, and transported into St Helena directly from, a marine environment (including the air-space above the sea, the sea-bed and the subsoil beneath the sea) that is not within the jurisdiction of any country or territory, including St Helena;
- “**Management Authority**” means the person or body designated under section 39 to be the Management Authority for purposes of this Part;
- “**mark**”, in relation to a specimen, means any indelible imprint, lead seal or other suitable means of identifying a specimen and includes, but is not limited to, any of the following—
- (a) a mark or label on a container in which the specimen is kept;
 - (b) a label or tag on a plant;
 - (c) a device on an animal that may be scanned electronically;
 - (d) a band on any part of an animal; ~~and~~
 - (e) a tag or ring placed on any part of an animal (whether by piercing or otherwise),
- and expressions in this Part referring to a person marking a specimen are to be construed accordingly;
- “**personal or household effect**” means a dead specimen, or a part or derivative of a dead specimen, that was legally-acquired and is—
- (a) personally owned or possessed for non-commercial purposes; and
 - (b) at the time of import, export or re-export either—
 - (i) worn, carried or included in personal baggage; or
 - (ii) part of a household move;
- “**population**”, in relation to a species or sub-species, means a biologically or geographically distinct total number of individuals of that species or sub-species;
- “**pre-Convention**”, in relation to a specimen, means a specimen that was taken from the wild, bred in captivity or artificially propagated before the species of which the specimen is a member was specified in an Appendix to CITES;
- “**recognised management authority**” means a national administrative authority designated by a country or territory, other than St Helena, in accordance with Article IX of CITES;
- “**registered scientific institution**” and “**registered scientist**” means a person or body with a scientific registration certificate granted under section 49 or any person or body who is registered by a recognised management authority for the purposes of Article VII(6) of CITES;
- “**rescue centre**” means an institution designated by the Management Authority to look after the welfare of living specimens, particularly those that have been confiscated;
- “**Scientific Authority**” means a person or body who is designated to be a Scientific Authority under section 41;
- “**travelling exhibition**” includes a travelling zoo, circus, menagerie, or plant exhibition, that is used to display any of the specimens listed in Appendix 1, 2 or 3.

Definitions of “artificially propagated” and “bred in captivity”

36. (1) In this Ordinance a plant is only to be taken to have been artificially propagated if—

- (a) the plant has been grown by a person from seeds, cuttings, callus tissues, spores, or other propagules, under controlled conditions; or
 - (b) if the plant is a grafted plant - both the root stock and the graft have been grown in accordance with paragraph (a).
- (2) In this Ordinance, an animal is only to be taken to have been bred in captivity if—
- (b) the animal (including eggs) was born, or otherwise produced, in a controlled environment, of parents that mated or otherwise transmitted their gametes in a controlled environment; or
 - (b) the parents were in a controlled environment when development of the offspring began, if reproduction is asexual.
- (3) In this section—
- (a) **“controlled conditions”** means a non-natural environment—
 - (i) that is intensively manipulated by human intervention for the purpose of producing selected species or hybrids of plants; and
 - (ii) which has general characteristics that may include (but are not limited to ~~including~~) tillage, fertilisation, weed control, irrigation or nursery operations such as potting, bedding or protection from weather;
 - (b) **“controlled environment”** means an environment that—
 - (i) is manipulated by human intervention for the purpose of producing animals of a particular species;
 - (ii) has boundaries designed to prevent animals, eggs or gametes of the species from entering or leaving the environment; and
 - (iii) ~~which~~ has general characteristics that may include, but are not limited to including, artificial housing, waste removal, health care, protection from predators and artificially supplied food.

CITES Appendices

Application of Appendix 1, Appendix 2 and Appendix 3

37. This Part does not apply to—
- (a) any species in Appendix 1 and Appendix 2 in relation to which a reservation under CITES applies to St Helena, to the extent of any such reservation; or
 - (b) any species which the Governor in Council, by regulations, specifies as being excluded from the application of this Part.

Certain Appendix 1 specimens deemed to be Appendix 2 specimens

38. An Appendix 1 specimen that is artificially propagated for commercial purposes or bred in captivity for commercial purposes is deemed to be an Appendix 2 specimen for the purpose of this Ordinance.

Management Authority and Scientific Authorities

Management Authority

39. (1) Except as otherwise provided in this section, the Chief Environmental Officer is the Management Authority.

(2) The Governor may designate a body or person to exercise the function of the Management Authority in place of the Chief Environmental Officer.

(3) The Governor must not designate a body or person under subsection (2) unless satisfied that the body or person—

- (a) has the appropriate governance, skills and resources to exercise the functions of the Management Authority; and
- (b) in the case of a body, is not prevented from exercising that function under any enactment or by its constitution (whatever form that takes).

Powers and functions of Management Authority

40. (1) The Management Authority has the following powers and functions in addition to those provided for elsewhere in this Ordinance—

- (a) to function as the Management Authority referred to in Article IX paragraph 1(a) of CITES and perform all responsibilities specified for the Management Authority under CITES for the purpose of implementing CITES in St Helena;
- (b) to co-operate with recognised management authorities in the implementation and enforcement of legislation, in St Helena and in other countries or territories, relating to trade in endangered species; and
- (c) to establish one or more rescue centres for seized and confiscated living specimens, in consultation with the Scientific Authority.

(2) The Management Authority must keep in a form it thinks fit (which may include an electronic form) a register of—

- (a) specimens registered for the purposes of section 46(1)(b)(iii)(bb);
- (b) permits, certificates and licences granted under section 49; and
- (c) persons registered under section 49.

(3) In addition to any other powers specified by or under this or any other enactment, a Management Authority has the powers necessary to perform its functions.

Scientific Authorities

41. (1) The Governor may designate one or more persons or bodies, other than the person or body that acts as the Management Authority in accordance with section 39, to be a Scientific Authority for the purposes of this Part.

(2) A person or body may be designated to be a Scientific Authority whether or not the person or body is situated in St Helena, ~~provided~~ **if** the Governor is satisfied that such body or person is able to perform such of those functions described in section 42 as are appropriate in relation to St Helena.

Powers and functions of Scientific Authorities

42. (1) The functions of a Scientific Authority are to advise the Management Authority—

- (a) on the exercise of the Management Authority's powers under this Part, including but not limited to advice on suitable standards for granting a scientific registration certificate under section 49;
- (b) on any other matter relating to the Management Authority's functions and the administration of this Part on which its advice is sought or on which it wishes to tender advice; and
- (c) generally, on matters relating to endangered species on which its advice is sought or on which it wishes to tender advice.

(2) In addition to any other powers specified by or under this Ordinance, a Scientific Authority has the powers necessary to perform its functions.

Import, export and re-export of specimens

Import of Appendix 1 or Appendix 2 specimens

43. (1) A person must not import (other than by way of introduction from the sea) an Appendix 1 specimen except in accordance with an import permit granted under section 49 in relation to the specimen.

(2) A person must not import (other than by way of introduction from the sea) an Appendix 2 specimen unless the Management Authority is satisfied that there is an export permit or re-export certificate granted by a recognised management authority authorising the export of that specimen to St Helena.

(3) A person must not import by way of introduction from the sea an Appendix 1 or Appendix 2 specimen except in accordance with an introduction certificate granted under section 49 in relation to the specimen.

(4) A person who contravenes subsection (1), (2) or (3) commits an offence.
Penalty: A fine, or imprisonment for 5 years, or both.

Import of Appendix 3 specimens

44. (1) Subject to subsection (2), a person must not import an Appendix 3 specimen except in accordance with—

- (a) a certificate of origin granted by a recognised management authority relating to that specimen; and
- (b) if it is being imported from a country or territory which listed the species in Appendix 3 - an export permit granted by a recognised management authority relating to that specimen.

(2) The requirement in subsection (1) does not apply if the specimen is being re-exported and there is a re-export certificate granted by the recognised management authority in the country or territory from which the specimen is being re-exported or a certificate granted by that authority to the effect that the specimen was processed in that country or territory.

(3) A person who contravenes subsection (1) commits an offence.
Penalty: A fine of £5,000.

Export or re-export of Appendix 1, 2 or 3 specimens

45. (1) A person must not export an Appendix 1, 2 or 3 specimen, except in accordance with an export permit granted under section 49 in relation to the specimen.

(2) A person must not re-export an Appendix 1, 2 or 3 specimen except in accordance with a re-export certificate granted under section 49 in relation to the specimen.

(3) A person who contravenes subsection (1) or (2) in relation to an Appendix 1 or Appendix 2 specimen commits an offence.

Penalty: A fine, or imprisonment for 5 years, or both.

(4) A person who contravenes subsection (1) or (2) in relation to an Appendix 3 specimen commits an offence.

Penalty: A fine of £5,000.

Exemptions

- 46. (1)** Sections 43 to 45 do not apply to the import, export or re-export—
- (a)** by a registered scientific institution or registered scientist of a specimen, which is an herbarium specimen or other preserved, dried or embedded museum specimen, or live plant material if—
 - (i)** the specimen is marked in a manner approved by the Management Authority or a recognised management authority; and
 - (ii)** the import, export or re-export is a non-commercial loan, donation or exchange to a registered scientific institution or a registered scientist;
 - (b)** by a travelling exhibition of a live specimen in respect of which there is a travelling exhibition certificate and any of the following—
 - (i)** a pre-Convention certificate;
 - (ii)** a certificate of captive breeding; or
 - (iii)** a certificate of artificial propagation, if the specimen satisfies the conditions in subsection (1A);
 - (c)** by any person, other than a travelling exhibition falling within subsection (b), of a specimen in respect of which there is—
 - (i)** a pre-Convention certificate;
 - (ii)** a certificate of captive breeding; or
 - (iii)** a certificate of artificial propagation, except where such specimen is a live animal bred in captivity for commercial purposes and deemed to be an Appendix 2 specimen under section 38;
 - (d)** by any person of a specimen which is a personal or household effect, unless the specimen is of a kind specified in subsection (2).
- (1A)** The conditions specified for the purpose of subsection (1)(b) are that—
- (a)** the Management Authority is satisfied that the specimen will be prepared and shipped in compliance with CITES guidelines for transport and preparation for shipment of live wild animals or in compliance with standards set by IATA; and
 - (b)** the exporter or importer has registered full details of the specimen with the Management Authority.

- (2) The kinds of specimen contemplated by subsection (1)(d) are that—
- (a) the specimen is an Appendix 1 specimen and the owner, being an owner whose usual place of residence is in St Helena, acquired the specimen outside St Helena and is importing it into St Helena;
 - (b) the specimen is an Appendix 2 specimen—
 - (i) the owner of which has his or her usual place of residence in St Helena and is importing it into St Helena;
 - (ii) that was removed from the wild in a country or territory where the owner acquired it; and
 - (iii) in respect of which there is a pre-Convention certificate or an export permit is required by the country or territory from which the specimen was removed from the wild; or
 - (c) the specimen is in excess of the specified limit on the number or quantity of the specimen that may be imported, exported or re-exported.

(3) In subsection (2)(c), “**specified limit**” means, where applicable in respect of any particular species, the limit on the number of specimens or other quantity of that species that may be imported, exported or re-exported as specified under CITES for the purposes of the control of trade in personal and household effects.

Pre-Convention specimens

47. (1) A person must not export a pre-Convention specimen unless there is a pre-Convention certificate in relation to that specimen.

(2) A person who contravenes subsection (1) commits an offence.
Penalty: A fine of £5,000.

Permits, certificates and licences

Requirement for a commercial licence

48. (1) A person must not, for commercial purposes—

- (a) breed in captivity;
- (b) artificially propagate; or
- (c) export, import or re-export,

any specimen, unless the person has a commercial licence under section 49.

(2) A person who contravenes subsection (1) commits an offence.
Penalty: A fine of £50,000 or imprisonment for 12 months, or both.

Applications for, and grants of, any permit, certificate or licence

49. (1) A person may apply to the Management Authority for the grant of any of the following—

- (a) an export permit;
- (b) an import permit;
- (c) a re-export certificate;
- (d) an introduction certificate;
- (e) a certificate of origin;

- (f) a certificate of captive breeding;
 - (g) a certificate of artificial propagation;
 - (h) a pre-Convention certificate;
 - (i) a travelling exhibition certificate,
- in relation to a specimen specified in the application.

(2) A person may apply to the Management Authority for the grant of a commercial licence or a scientific registration certificate.

(3) An application under subsection (1) or (2) must be in a form and made in a manner approved by the Management Authority and must be accompanied by any applicable fee.

(4) The Management Authority may -

- (a) request a person who has made an application under subsection (1) or (2) to provide to the Management Authority any document or further information in relation to the application, including, where appropriate, any sample from a specimen referred to in the application; and
- (b) refuse to grant the permit or certificate to which the application relates unless and until the document, information or sample is provided.

(5) The Management Authority may, after receiving an application under subsection (1) from a person—

- (a) grant to the person a permit or certificate in relation to a particular specimen, or, except in the case of a travelling exhibition certificate, a consignment of specimens, identified in the permit or certificate; or
- (b) by notice in writing to the person, refuse to grant a permit or certificate to the person, giving reasons for doing so and informing the person of that person's right of appeal under section 10.

(6) The Management Authority may, after receiving an application under subsection (2) from a person—

- (a) grant to that person a commercial licence or scientific registration certificate in relation to a particular specimen or class or description of specimens identified in the licence or certificate; or
- (b) by notice in writing to the person refuse to grant the licence or certificate giving reasons for doing so and informing the person of the person's right of appeal under section 10.

(7) The Management Authority must specify conditions it thinks fit on a commercial licence or scientific registration certificate requiring the holder of the licence -

- (a) to keep such records relating to the holder's business as the Management Authority specifies for a length of time it specifies; and
- (b) to make such records, or returns relating to such records, available to the Management Authority at the Management Authority's request.

(8) The Management Authority may specify any other conditions on a permit, certificate or licence that it thinks fit.

(9) A permit, certificate or licence must be in a form the Chief Environmental Officer approves.

(10) A permit or certificate, other than a travelling exhibition certificate in respect of live animals, may only be granted under subsection (1) in relation to a single consignment of specimens if all the specimens are members of the same family (that is, a member of the taxonomic group above a genus and below an order).

(11) A permit, certificate or licence granted under this section to a person is not transferable to another person.

General conditions for grant of permits and certificates relating to Appendix 1 and Appendix 2 specimens

50. (1) The Management Authority must not grant an export permit or introduction certificate to a person in relation to an Appendix 1 or Appendix 2 specimen unless—

- (a) a Scientific Authority is satisfied that the grant of such a permit or certificate would not be detrimental to the survival of the species to which the specimen belongs;
- (b) in the case of the proposed export of an Appendix 2 specimen in relation to which a Scientific Authority has determined that export of specimens of that species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix 1 - the Management Authority has had regard to advice from that Scientific Authority; and
- (c) the additional conditions set out in sections 51 or 52 that are applicable to the application for such a permit or certificate are met.

(2) The Management Authority must not grant an import permit in relation to an Appendix 1 specimen unless—

- (a) a Scientific Authority is satisfied that the grant of such a permit will be for purposes that are not detrimental to the survival of the species to which the specimen belongs;
- (b) the Management Authority is satisfied that there is an export permit or re-export certificate granted by a recognised management authority authorising the export of that specimen to St Helena; and
- (c) the additional conditions in section 51 are met.

(3) The Management Authority must not grant a re-export certificate in relation to an Appendix 1 or Appendix 2 specimen unless the conditions set out in sections 51 or 52 that are applicable to the application for such a certificate are met.

Additional conditions relating to Appendix 1 specimens

51. (1) The additional conditions for an import permit or introduction certificate relating to an Appendix 1 specimen are that—

- (a) in the case of an import permit, a Scientific Authority, or, in the case of an introduction certificate, the Management Authority, is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
- (b) the Management Authority is satisfied that the specimen is not to be used primarily for commercial purposes.

(2) The additional conditions for the export of an Appendix 1 specimen are that the Management Authority is satisfied that—

- (a) the specimen was obtained in accordance with any laws applicable in St Helena;
- (b) any living specimen will be prepared and shipped in compliance with CITES guidelines for transport and preparation for shipment of live wild animals or in compliance with standards set by IATA; and
- (c) an import permit has been granted by a recognised management authority for the specimen by the importing country or territory.

(3) The additional conditions for the re-export of an Appendix 1 specimen are that the Management Authority is satisfied that—

- (a) the specimen was imported into St Helena in accordance with this Ordinance or any other Ordinance which was in force on the date of such import;
- (b) any living specimen will be prepared and shipped in compliance with CITES guidelines for transport and preparation for shipment of live wild animals and plants or in compliance with standards set by IATA; and
- (c) in the case of a living specimen - an import permit has been granted by a recognised management authority for that specimen by the importing country or territory.

Additional conditions relating to Appendix 2 specimens

52. (1) The additional conditions for the grant of an export permit relating to an Appendix 2 specimen are that the Management Authority is satisfied that—

- (a) the specimen was obtained in accordance with any laws applicable in St Helena;
- (b) any living specimen will be prepared and shipped in compliance with CITES guidelines for transport and preparation for shipment of live wild animals or in compliance with standards set by IATA.

(2) The additional conditions for the grant of a re-export certificate relating to an Appendix 2 specimen are that the Management Authority is satisfied that—

- (a) the specimen was imported into St Helena in accordance with this Ordinance or any other Ordinance which was in force on the date of such import; and
- (b) any living specimen will be prepared and shipped in compliance with CITES guidelines for transport and preparation for shipment of live wild animals or in compliance with standards set by IATA.

(3) The additional condition for the grant of an introduction certificate relating to an Appendix 2 specimen is that the Management Authority is satisfied that any living specimen will be handled in compliance with CITES guidelines for transport and preparation for shipment of live wild animals and plants or in compliance with standards set by IATA.

Conditions relating to Appendix 3 specimens

53. The Management Authority must not grant an export permit following an application in relation to an Appendix 3 specimen which has been included in that Appendix on behalf of St Helena, unless the Management Authority is satisfied that—

- (a) the specimen was obtained in accordance with any laws applicable in St Helena; and
- (b) any living specimen will be prepared and shipped in compliance with CITES guidelines for transport and preparation for shipment of live wild animals or in compliance with standards set by IATA.

Other conditions

54. (1) The Management Authority must not grant a certificate of captive breeding following an application under section 49(1)(f) unless it is satisfied that any specimen of an animal species was bred in captivity or any specimen of a plant species was artificially propagated, or is a part of such an animal or plant or was derived from such an animal or plant.

(2) The Management Authority must not grant a pre-Convention certificate following an application under section 49(1)(h) unless with respect to any specimen which is the subject of that application it is satisfied that the specimen is a pre-Convention specimen.

Invalid permits and certificates

55. (1) The Management Authority may refuse to accept, or cancel and retain, any invalid permit or certificate or other document that—

- (a)* is granted by a recognised management authority;
- (b)* relates to a specimen that has been, or is intended to be, imported into St Helena; and
- (c)* was provided to the Management Authority because it was required under this Ordinance to accompany the import of the specimen.

(2) For the purposes of this Ordinance, a permit, certificate or other document is invalid if—

- (a)* it was granted in contravention of the law of the country or territory in which it was granted;
- (b)* a condition to which its grant was subject has not been complied with; or
- (c)* it contains a material error.

(3) A person must not produce to the Management Authority or any other authority or officer an invalid document that purports to be a valid document, if the person knows, or ought reasonably be expected to know, that the document is invalid.

(4) A person who contravenes subsection (3) commits an offence.
Penalty: A fine of £1,000,000 or imprisonment for 2 years, or both

Duration of permits, certificates and licences

56. (1) A permit, certificate or licence granted under this Ordinance comes into force on the day on which it is granted.

(2) An export permit or re-export certificate granted under section 49 remains in force, unless earlier revoked under section 59 or surrendered, for 6 months from the date on which it is granted.

(3) An import permit, introduction certificate or certificate of origin granted under section 49 remains in force, unless earlier revoked under section 59 or surrendered, for 12 months from the date on which it is granted.

(4) A certificate of captive breeding, certificate of artificial propagation, pre-Convention certificate or travelling exhibition certificate remains in force, unless earlier revoked under section 59 or surrendered, for 3 years.

(5) A commercial licence remains in force, unless earlier revoked under section 59 or surrendered, until the date specified in the licence.

Alteration etc. of permits, certificates or licences

57. (1) A person may apply to the Management Authority for the alteration of a permit, certificate or licence granted to the person, including the alteration or revocation of a condition specified on the permit, certificate or licence.

(2) An application under subsection (1) must be in a form approved by the Management Authority and ~~must~~ be accompanied by any prescribed fee.

(3) The Management Authority may, after receiving an application under subsection (1)—

- (a) alter the permit, certificate or licence, including altering or revoking any condition; or
- (b) by notice in writing to the person, refuse to alter the permit, certificate or licence giving reasons for doing so and informing the person of the person's right of appeal under section 10.

(4) The Management Authority may, of its own motion—

- (a) alter a permit, certificate or licence, including a condition specified on a permit or certificate;
- (b) specify a condition on a permit, certificate or licence; or
- (c) suspend a permit, certificate or licence for a period ~~as it may determine~~ **it decides**.

(5) The Management Authority must notify in writing the holder of a permit, certificate or licence of its decision under subsection (4), giving reasons for its decision and informing the person of the person's right of appeal under section 10.

(6) The Management Authority must not alter or revoke a condition specified on a permit, certificate or licence if a Scientific Authority is of the opinion that the alteration or revocation will adversely affect the survival or welfare of the species, or the living specimen of the species, to which the permit, certificate or licence relates or will relate.

(7) If the Management Authority alters a permit, certificate or licence granted to a person the Authority must grant a new permit, certificate or licence to the person and such permit, certificate or licence is deemed to have been granted under section 49.

Breach of conditions

58. (1) No person may breach a condition specified on a permit, certificate or licence.

(2) A person who contravenes subsection (1) commits an offence.
Penalty: A fine of £50,000 or imprisonment for a period of 12 months, or both.

Revocation of any permit, certificate or licence

59. The Management Authority may revoke a permit, certificate or licence granted to a person if the Authority—

- (a) is satisfied that a person provided false or misleading information in, or in relation to, the application for the permit, certificate or licence;
- (b) is satisfied that the permit, certificate or licence was granted in error or contains a material error;
- (c) is satisfied that a condition of the permit, certificate or licence has been breached;
- (d) is satisfied that the person, an employee of the person, or a person acting on behalf of, or under the general supervision of the person, has committed an offence under this Ordinance or under the law of St Helena, or of another country or territory, relating to the conservation or welfare of animals or plants;
- (e) is satisfied that the person has not provided satisfactorily for the health and well-being of living specimens to which the permit, certificate or licence relates of which the person has had possession, or is not, or will not be, able to provide satisfactorily for the health and well-being of living specimens to which the permit, certificate or licence relates of which the person has or will have possession; or
- (f) has received advice from a Scientific Authority that it is advisable to do so to assist in the survival or welfare of the species to which the permit, certificate or licence relates or of a living specimen to which the permit, certificate or licence relates and of which the person has or will have possession.

Replacement certificates, permits and licences

60. (1) A person may apply to the Management Authority for the grant of a permit, certificate or licence in replacement of a permit, certificate or licence granted under section 49 that has been lost, defaced or damaged.

(2) An application under subsection (1) must be in a form approved by the Management Authority and ~~must~~ be accompanied by any prescribed fee.

(3) The Management Authority may grant a permit, certificate or licence in replacement of one that has been lost, defaced or damaged and such permit, certificate or licence is deemed to have been granted under section 49.

(4) If the Management Authority refuses to grant a permit, certificate or licence under this section, the Authority must notify the person who made the application under subsection (1) and give reasons for its decision.

Other

Specimens only to enter or exit from approved places

61. (1) A person must not cause a specimen to enter or leave St Helena, whether by way of import, export, re-export, transit or transshipment, except at an approved point of entry or exit.

- (2) For the purpose of this section, “**approved point of entry or exit**” means any place—
- (a) where goods may be landed in St. Helena or exported from St. Helena in accordance with section 7 of the Customs and Excise Ordinance, 1999; or
 - (b) specified in regulations made under section 11.

(3) A person who contravenes paragraph (1) commits an offence.
 Penalty: A fine of £1,000,000 or imprisonment for 2 years, or both.

Possession, sale, purchase and transport of specimens

62. (1) A person must not, without reasonable excuse—
- (a) have in the person’s possession, or under the person’s control;
 - (b) sell or offer for sale;
 - (c) purchase;
 - (d) export or re-export; or
 - (e) transport within St Helena,
- any specimen that the person knows, or ought reasonably be expected to know, has been imported by any person in contravention of this Part or unlawfully taken from the wild or exported from a country or territory in contravention of the law of that country or territory.

(2) A person who contravenes paragraph (1) commits an offence.
 Penalty: A fine of £1,000,000 or imprisonment for 2 years, or both.

PART 9 POLLUTION CONTROL AND HAZARDOUS SUBSTANCES

General duties and functions in relation to pollution and hazardous substances

63. (1) The Chief Environmental Officer must take, recommend or promote any general measures under Part 4 and carry out any other ~~of his~~ functions under this Ordinance as are necessary in order to achieve the objectives of this Ordinance as it applies to this Part.

- (2) The objectives of this Ordinance as it applies to this Part include—
- (a) minimising, preventing and reducing the negative impacts of pollution;
 - (b) ensuring proper safeguards exist for the management and treatment of pollutants and hazardous materials;
 - (c) encouraging the development and implementation of response measures, in the event of spills and other accidental releases; and
 - (d) any other objectives that are agreed from time to time as a matter of policy in St Helena.

Pollution and hazardous substances control regulations

64. (1) Regulations made under section 11 may prescribe for matters required or permitted to be prescribed under this Part and may make any other provision that is necessary or convenient for giving effect to this Part.

(2) In particular, and without limiting the power in subsection (1), regulations may provide for all or any of the following matters, namely—

- (a) the standards of quality of air, water or soil for various areas and purposes;
- (b) the maximum allowable limits of concentration of various environmental pollutants (including noise) for different areas;
- (c) the procedures and safeguards for the handling of hazardous substances;
- (d) the prohibition and restrictions on the handling of hazardous substances in different areas;
- (e) the prohibition and restriction on the location of industries and the carrying on process and operations in different areas;
- (f) the procedures and safeguards for the prevention of accidents which may cause environmental pollution and for providing for remedial measures for such accidents;
- (g) procedures for licensing, permitting, registering and any other measures required to control pollution or hazardous substances; and
- (h) provide for the charging of fees, levies and other charges in relation to the control and management of pollution and hazardous substances.

Designated pollutants

65. (1) Regulations under section 11 may designate as a pollutant any substance, thing or man-made phenomenon which, in a specified quantity or concentration or condition, is likely to cause harm to human health or affect the quality of the environment (“**designated pollutant**”).

(2) On the coming into force of any regulations made pursuant to subsection (1), any person who carries on an existing activity or process that may cause or result in the production of a designated pollutant, on a continuous or intermittent basis, must give notice of that fact to the Chief Environmental Officer within a time specified in the regulations.

(3) The Chief Environmental Officer must compile a register of sources of designated pollutants, which must be open to inspection by the public during ordinary business hours, on payment of any prescribed search fee.

Pollution control permits

66. (1) The Chief Environmental Officer may by permit authorise the deposit or release of a designated pollutant on or into land, water or the air in quantities or concentrations in excess of the prescribed standard, subject to any conditions he or she thinks fit, and the payment of any prescribed fees and charges.

(2) In deciding whether to grant a permit pursuant to subsection (1), the Chief Environmental Officer may adopt and take into account ambient environmental standards and the cumulative impact on those standards of the grant of any pollution control permit.

(3) The Chief Environmental Officer must =

- (a) compile and maintain a register of pollution control permits that is open to inspection by the public during ordinary business hours, on payment of any prescribed search fee; and
- (b) provide members of the public with copies of entries in the register on payment of the cost of making copies.

Pollution charges

67. (1) The holder of a pollution control permit is liable for the payment of pollution charges with respect to the release of any designated pollutant into the environment.

(2) The Governor in Council may make regulations under section 11 specifying that in the case of each pollution control permit, the following pollution charges are payable, in the amount prescribed by the regulations -

- (a) a pollution control permit fee for every year during which the permit is in force, based on the costs to the Chief Environmental Officer of supervising permits granted to different categories of permit holders, paid annually prior to the start of the year to which it relates; and
- (b) a pollution levy, calculated on the basis of the amount of each pollutant released into the environment measured as specified by the Chief Environmental Officer, paid quarterly after the end of the quarter to which the payment relates.

(3) If the Chief Environmental Officer is satisfied that, while a pollution control permit is in force, the permit holder has expended money on scientific research or on new plant or equipment designed or intended to reduce the release of pollutants into the environment, the Chief Environmental Officer may allow the permit holder to offset part or all of the costs of such expenditure against the amount of the pollution levy payable.

(4) If the Chief Environmental Officer rejects a claim for an offset allowance made pursuant to subsection (3), reasons must be given in writing for the decision.

Unlawful pollution

68. (1) It is an offence for a person to -

- (a) discharge, deposit or otherwise release into the environment; or
- (b) knowingly cause or permit to be discharged, deposited or otherwise released into the environment polluting matter,

unless one of the situations in subsection (4) applies.

Penalty: A fine or imprisonment for 5 years, or both.

(2) For the purposes of this section, “**polluting matter**” includes—

- (a) designated pollutants; and
- (b) any other polluting matter in such quantities or in such a manner so as to cause damage to the environment.

(3) The Governor in Council must by regulations under section 11 define the “**regulated polluting matter**” to which this section applies.

(4) The situations mentioned in subsection (1) are where the discharge, deposit or release is—

- (a) authorised by a pollution control permit;
- (b) required or authorised by an enforcement officer under this Ordinance.

(5) *Omitted*

Hazardous substances

69. (1) The Governor in Council may make regulations under section 11 in order to—

- (a) designate specific substances as hazardous substances if the Governor in Council considers it appropriate to do so for the purpose of preventing the substance from causing pollution of the environment or harm to human health;
- (b) prohibit or restrict the supply of such substances;
- (c) prohibit or restrict the importation and the landing and unloading on St Helena of such substances.

(2) On the coming into force of any regulations made pursuant to subsection (1)(a), any person who is engaged in carrying on an existing activity or process, or who proposes to commence and carry on an activity or process that involves the storage, handling, use or disposal of any hazardous substance, must give notice of that fact to the Chief Environmental Officer within a time specified in the regulations.

(3) The Chief Environmental Officer must compile a register of hazardous substances, which must be open to inspection by the public during ordinary business hours, on payment of any prescribed search fee.

Powers to obtain information about potentially hazardous substances

70. (1) The Governor in Council may, by regulations made under section 11, make provision for and in connection with the obtaining of relevant information relating to substances which may be specified by him by order for the purposes of this section, for the purpose of assessing their potential for causing pollution of the environment or harm to human health,.

(2) The regulations described in subsection (1) may—

- (a) prescribe the descriptions of relevant information which are to be provided in relation to specified substances;
- (b) impose requirements on manufacturers, importers or suppliers to provide information prescribed under paragraph (a) ~~above~~;
- (c) impose requirements on manufacturers or importers to carry out tests of specified substances and to provide information of the results of the tests;
- (d) impose restrictions on the disclosure of information obtained under this section and provide for determining what information is, and what information is not, to be treated as provided in confidence;
- (e) include any other incidental, supplemental and ~~such~~ transitional provisions that the Governor in Council considers appropriate.

(3) The Governor in Council, must have regard, in imposing or providing for the imposition of any requirement under subsection (2)(b), (c), (d) or (e) above, to the cost likely to be involved in complying with the requirement.

(4) In this section—

- (a) **“relevant information”**, in relation to substances, products or articles, means information relating to their properties, production, distribution, importation or use or intended use and, in relation to products or articles, to their disposal as waste;
- (b) **“substance”** means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour and includes mixtures of substances.

Spills and accidental releases

71. (1) The Chief Environmental Officer may require any person who owns or controls any premises, vehicle or vessel on which any pollutant or hazardous substance is stored, used or transported for commercial purposes, to prepare a pollution emergency plan to deal with any spill or accidental release of that pollutant or hazardous substance.

- (2)** Any pollution emergency plan prepared pursuant to subsection (1) must—
 - (a) set out the counter-measures to be adopted in the event of a spill or accidental release of the pollutant or hazardous substance;
 - (b) set out the steps to be taken to clean-up the environment afterwards; and
 - (c) be submitted to the Chief Environmental Officer for approval, with or without amendments, after consultation with the Chief Environmental Officer and any other person the Chief Environmental Officer considers necessary.

(3) When any spill or accidental release of a pollutant or hazardous substance occurs, the person who owns or controls or uses the premises, vehicle or vessel on which the incident takes place must—

- (a) immediately notify the Chief Environmental Officer of the incident;
- (b) implement any approved contingency plan; and
- (c) take any other measures that are necessary or expedient to minimise any resulting threat to human health or the environment.

(4) If, after investigating the incident, it appears to the Chief Environmental Officer that such action is necessary, he or she may -

- (a) undertake any emergency response measures that are considered necessary or expedient to protect the environment, either directly or by co-ordinating the activities of the competent governmental and non-governmental organisations or by employing contractors; and
- (b) recover the costs of so doing from the person who owns or controls the premises, vehicle or vessel concerned, as a civil debt.

Pollution from construction or mechanical plant, equipment and machinery

72. (1) Regulations made under section 11 may—

- (a) prescribe performance standards with respect to the generation and release into the environment of pollutants from mobile or immobile machines and equipment, including but not limited to automobiles, construction or mechanical plant and equipment and home and garden appliances; and
- (b) make it an offence to import into St Helena any machine or equipment that does not comply with the prescribed performance standards .

(2) In this section, the expression “**home and garden appliances**” includes but is not limited to electricity generators, refrigeration equipment, water-pumps, air conditioning units, brush-cutters and lawn-mowers.

(3) In any regulations made for the purposes described in subsection (1), a reasonable period of time must be allowed between the introduction of the standards and their enforcement to accommodate the upgrading and replacement of existing machines and equipment.

Liability for historical pollution

73. (1) If any part of the environment is found by the Chief Environmental Officer to have been polluted in breach of the provisions of any law in force before the coming into force of this Ordinance, an enforcement officer, with the consent of the Chief Environmental Officer, may serve an environmental protection notice under section 97(1) requiring any person whom the Chief Environmental Officer finds to have been solely or partly responsible for causing or allowing that pollution to take place, to take the measures to clean up or rehabilitate the environment specified in the notice.

(2) When the Chief Environmental Officer finds that more than one person was responsible for pollution as described in subsection (1), liability for undertaking the clean up or rehabilitation measures required pursuant to subsection (1) must be shared between those persons on a *pro rata* basis.

(3) If any person fails or refuses to comply with a requirement imposed by the Chief Environmental Officer pursuant to subsection (1), within the period of time allowed for compliance specified in the notice, the Chief Environmental Officer may -

- (a) undertake the necessary clean up or rehabilitation measures, either directly or by employing contractors; and
- (b) recover the costs of so doing, or a proportional contribution to those costs, from that person as a civil debt.

Data, planning and research

74. The Chief Environmental Officer must—

- (a) conduct research and studies relating to pollution control and hazardous substances including, where desirable—
 - (i) pollution prevention, the nature, transportation, dispersion, effects, control and abatement of pollution and the effects of pollution on environmental quality;
 - (ii) environmental contamination arising from disturbances of ecosystems by human activity;
 - (iii) changes in the normal concentrations of substances that are naturally present in the environment; and
 - (iv) detection and damage to ecosystems;
- (b) formulate plans for pollution prevention and the control and abatement of pollution, including plans respecting the prevention of, preparedness for and response to an environmental emergency and for restoring any part of the environment damaged by or during an emergency;
- (ba) establish, operate and publicise demonstration projects and make them available for demonstration;

- (c) publish or arrange for the publication within 12 months of the entry into force of this Ordinance—
 - (i) information respecting pollution prevention; and
 - (ii) pertinent information in respect of all aspects of environmental quality.

PART 10 LITTER

Interpretation of this Part

- 75.** In this Part—
“litter” includes, without limiting the term—
- (a) any bottle, bag, jar, tin, can, carton, packet, wrapping or other container or portion thereof, whether or not the contents have been wholly or partly removed;
 - (b) the discarded ends of cigarettes, cigars and like products;
 - (c) discarded chewing-gum and the discarded remains of other products designed for chewing; and
 - (d) refuse, animal remains and any other waste product;
- “open land”** means land in the open air; and
“Committee” means a Council Committee.

Penalty for leaving litter

76. (1) A person must not throw down, drop or otherwise deposit any litter in or into a public place and leave it.

- (2)** No offence is committed under subsection (1) if the depositing of the litter is—
- (a) authorised by law; or
 - (b) done by or with the consent of the owner, occupier or other person having control of the place where it is deposited.

(3) A person who contravenes subsection (1) commits an offence.
 Penalty: A fine of £1,000

(4) In sentencing a person convicted of an offence under this section, the court must have regard not only to the purpose of this section in preventing littering, but also to the nature, extent and quantity of the litter, the effect of the litter on the amenity of the environment and any resulting risk in the circumstances of the offence of injury to persons or animals or of damage to property and the cost of any remediation measures required or undertaken.

Powers to control street litter

77. (1) Without affecting the powers of an enforcement officer to issue an environmental protection notice in any particular case, the Chief Environmental Officer may, with a view to the prevention of accumulations of litter or refuse in and around any street or open land adjacent to any street, issue a street litter control notice, imposing requirements on the occupier of any premises in relation to such litter or refuse, in accordance with this section.

(2) If the Chief Environmental Officer is satisfied, in respect of any premises which have a frontage on a street, that—

- (a) there is recurrent defacement by litter or refuse of any land, being part of the street or open land adjacent to the street, which is in the vicinity of the premises;
- (b) the condition of any part of the premises which is open land in the vicinity of the frontage is, and if no street litter control notice is served is likely to continue to be, detrimental to the amenities of the locality by reason of the presence of litter or refuse; or
- (c) there is produced, as a result of the activities carried on the premises, quantities of litter or refuse of a nature and in amounts likely to cause the defacement of any part of the street, or of open land adjacent to the street, which is in the vicinity of the premises,

the Chief Environmental Officer may serve a street litter control notice on the occupier or, if the premises are unoccupied, on the owner of the premises.

(3) A street litter control notice must—

- (a) identify the premises and state the grounds under subsection (2) on which it is issued;
- (b) specify an area of open land which adjoins or is in the vicinity of the frontage of the premises on the street;
- (c) specify, in relation to that area or any part of it, any reasonable requirements the authority considers appropriate in the circumstances,

and, for the purposes of paragraph (b), an area which includes land on both sides of the frontage of the premises must be treated as an area adjoining that frontage.

(4) A vehicle or stall or other moveable structure which is used for one or more commercial or retail activities while parked or set at a particular place on or verging a street is to be treated for the purposes of this section as if it were premises situated at that place having a frontage on that street in the place where it is parked or set.

(5) When the Chief Environmental Officer proposes to serve a street litter control notice, he or she must—

- (a) inform the person on whom the notice is to be served;
- (b) give the person the opportunity to make representations about the notice within the period of 21 days beginning with the day on which the person is so informed; and
- (c) take any representations so made into account in making a decision.

(6) A person on whom a notice has been served under subsection (2) or becomes subject to a notice under subsection (7) must inform any new or subsequent occupier of the premises to which the notice relates of the existence and contents of the notice.

(7) A person who is a new or subsequent occupier of premises to which a street litter control notice applies must comply with the notice as if it had been served on that person, for the duration of that person's occupation.

(8) It is an offence for a person, without reasonable excuse, to fail -

- (a) to comply with a requirement imposed on the person by a street litter control notice; or
- (b) to notify a new or subsequent occupier of premises when required to do so by subsection (6).

Penalty: A fine of £5,000.

Provision and maintenance of litter bins

78. (1) The Committee may provide and maintain in any street or public place receptacles for litter (in this section referred to as “**a litter bin**”).

(2) In any place where a litter bin may be provided or maintained under this section, the Committee may put up notices about the leaving of refuse and litter, and for that purpose may erect and maintain notice boards.

(3) A person who wilfully or recklessly removes or otherwise interferes with a litter bin or notice board provided or erected under this section commits an offence.
Penalty: A fine of £1,000.

PART 11 WASTE

Definition of waste

79. Regulations made under section 11 may specify the types or categories of waste or the sources of waste which are included within or excluded from the definition of waste for the purposes of this Part.

General duties and functions in relation to waste

80. (1) The Chief Environmental Officer must take, recommend or promote any general measures under Part 4 and carry out any other functions under this Ordinance that are necessary in order to achieve the objectives of this Ordinance as it applies to waste.

- (2)** The objectives of this Ordinance as it applies to waste include—
- (a)* minimising the generation of waste within St Helena;
 - (b)* the promotion of recycling and other environmentally sound management of waste within St Helena;
 - (c)* the provision of adequate facilities and services for the management of waste; and
 - (d)* any other objectives that are agreed from time to time as a matter of policy in St Helena.

Penalty for unlawful deposit of waste

81. (1) A person must not deposit or knowingly cause or permit to be deposited any waste in a place to which this section applies.

- (2)** This section applies to any public place, except—
- (a)* a designated waste management site suitable for the type of waste deposited;
 - (b)* an area outside a property or premises in preparation for collection by the designated collection authority, provided the waste is deposited in accordance with any collection instructions issued by the identified collection authority;
 - (c)* any other area expressly designated or licensed under this Ordinance for the deposit or collection of waste.

(3) In subsection (2), “**designated**” means designated under subsection (4).

(4) The Chief Environmental Officer, by notice in the *Gazette*, and subject to any terms and conditions he or she considers expedient—

- (a) must designate areas in St Helena to be waste management sites and specify the types of waste that may be deposited there; and
- (b) may from time to time designate other areas for the deposit or collection of waste.

(5) It is immaterial for the purposes of this section whether the waste is deposited on land or in water.

(6) A person who contravenes subsection (1) commits an offence.

Penalty: A fine, or imprisonment for 5 years, or both.

Powers to require removal of waste unlawfully deposited

82. (1) If any waste is deposited in any place in contravention of section 81 an enforcement officer may serve an environmental protection notice on the owner or occupier of the premises on which the waste is deposited to do either or both of the following—

- (a) to remove the waste from the place it is situated;
- (b) to take any other steps the enforcement officer considers necessary to eliminate or reduce the consequences of the deposit of the waste.

(2) A person on whom a requirement imposed under subsection (1) above who fails, without reasonable excuse, to comply with the requirement commits an offence.

Penalty: (a) A fine of £25,000, or imprisonment for 6 months, or both; and

- (b) in the case of a continuing offence, a fine of £100 for every day or part of a day on which the offence continues.

(3) If it appears to the Chief Environmental Officer that waste has been deposited in or on any land in contravention of section 81 and that—

- (a) in order to remove or prevent pollution of land, water or air or harm to human health it is necessary that steps to remove the waste or steps to eliminate or reduce the consequences of the deposit or both be taken without delay;
- (b) there is no occupier of the land or the occupier cannot be found without the authority incurring unreasonable expense; or
- (c) the occupier neither made nor knowingly permitted the deposit of the waste,

the Chief Environmental Officer may remove the waste from the land or take other steps to eliminate or reduce the consequences of the deposit or, as the case may require, to remove the waste and take those steps.

(4) If the Chief Environmental Officer exercises any of the powers conferred by subsection (3) the Chief Environmental Officer is entitled to recover the cost incurred in removing the waste or taking the steps, or both, and in disposing of the waste—

- (a) in a case falling within subsection (3)(a) - from the occupier of the land unless the occupier proves that the occupier neither made nor knowingly caused nor knowingly permitted the deposit of the waste;
- (b) in any case - from any person who deposited or knowingly caused or knowingly permitted the deposit of any of the waste; except such of the cost as the occupier or that person shows was incurred unnecessarily.

(5) Any waste removed by the Chief Environmental Officer under subsection (3) above belongs to the Crown and may be dealt with accordingly.

Waste management

83. (1) The Governor in Council may make regulations under section 11 in order to establish appropriate standards and procedures for the handling of wastes (including the collection, transportation, temporary storage and transfer of wastes), the re-use and re-cycling of wastes, the treatment of wastes and the disposal of wastes into the environment, including separate provisions with respect to any wastes designated in the regulations as hazardous wastes.

(2) The regulations referred to in subsection (1) may provide for—

(a) the grant by the Chief Environmental Officer of—

- (i) permits authorising any person to carry on activities relating to the handling of wastes, subject to terms and conditions the Chief Environmental Officer thinks fit;
- (ii) licences authorising the operation of any facility for the recycling or treatment of wastes or the disposal of wastes into the environment, including landfill or incineration operations, subject to terms and conditions the Chief Environmental Officer thinks fit;

(b) the clean-up of existing waste disposal sites, the monitoring of waste disposal operations and the aftercare of closed landfill sites; and

(c) the regulation or prohibition of—

- (i) the import or export of wastes;
- (ii) the disposal into the environment of any wastes suitable for reuse or recycling;
- (iii) any specific method of waste disposal; or
- (iv) the development of contaminated land.

(3) The Governor in Council may by order provide for the operation of compulsory deposit-refund schemes to promote the reuse or recycling of wastes

Transboundary movement of wastes and hazardous substances

84. (1) Without affecting other laws applicable to the import of goods into or the export of goods from St Helena, no person may import into or land or unload in St Helena, or load for export or export from St Helena, any waste or hazardous substance, or any product or substance derived from any such waste or hazardous substance, without approval granted by the Chief Environmental Officer and Collector of Customs and Excise in accordance with this section.

(2) An application for such approval must be submitted to the Chief Environmental Officer in a form, giving particulars and supported by evidence, that the Chief Environmental Officer and Collector of Customs and Excise jointly require.

(3) The Chief Environmental Officer may charge a fee for the grant of a licence.

(4) The Chief Environmental Officer may refuse to grant approval as mentioned in subsection (1) if, in his or her opinion, this is reasonably required for the purpose of preventing

any risk of pollution of the environment or harm to human health arising from any waste or hazardous substance being imported or exported.

(5) The Chief Environmental Officer may grant any such approval, subject to terms and conditions that he or she thinks fit, in relation to individual consignments or a series of consignments to the same person, but not in relation to consignments or classes of consignments generally.

(6) It is an offence for a person, in contravention of section 84, to—

- (a)* export or attempt to export waste from St Helena;
- (b)* import waste into St Helena; or
- (c)* participate in the movement of waste in transit through St Helena in the course of a transboundary movement.

Penalty: A fine, or imprisonment for 5 years, or both.

(7) Subsection (5) does not apply in respect of waste that is derived from the normal operations of a vessel, the discharge of which is covered by an international agreement.

Regulations

85. (1) Regulations made under section 11 may establish requirements, standards, or procedures for—

- (a)* handling of wastes (including the collection, transportation, temporary storage and transfer of wastes);
- (b)* reuse and recycling of wastes;
- (c)* treatment of wastes and disposal of wastes into the environment;
- (d)* import and export of wastes,

including separate provisions with respect to different types or categories of waste or with respect to waste from different sources or categories of sources, as specified in the regulations.

(2) The regulations described in subsection (1) may also provide for—

- (a)* the granting of permits authorising any person to carry on activities relating to the handling of wastes, subject to any terms and conditions the Chief Environmental Officer thinks fit;
- (b)* the granting of licences authorising the operation of any facility for the recycling or treatment of wastes or the disposal of wastes into the environment, including landfill or incineration operations, subject to terms and conditions the Chief Environmental Officer thinks fit;
- (c)* the clean-up of existing waste disposal sites, the monitoring of waste disposal operations and the aftercare of closed landfill sites; and
- (d)* the operation of compulsory deposit refund schemes to promote the reuse or recycling of wastes.

PART 12 CONTROL AND ENFORCEMENT

Enforcement officers

86.⁴ (1) The Governor in Council may appoint in writing any public officer, either individually or on the basis of a class of persons, to be an enforcement officer for the purposes of this Ordinance.

(2) With respect to any national conservation area or marine protected area for which a management plan has been adopted, the Governor in Council may appoint in writing any public officer to be a warden for the purposes of this Ordinance.

(3) A warden appointed under subsection (2) has the functions and powers that the Governor in Council decides, but those powers and functions must be—

- (a) no more than the functions and powers of enforcement officers under this Ordinance; and
- (b) applicable only in respect of the national conservation area or areas in relation to which the appointment under subsection (2) was made.

and in this Ordinance a reference to an enforcement officer includes a warden only to that extent.

(4) The Chief Environmental Officer and other Environmental Officers, any customs officer, any police officer or, in respect of this Ordinance as it applies to the sea, the Chief Fisheries Officer and fisheries protection officers, are deemed to be enforcement officers for the purposes of this Ordinance, and the Chief Fisheries Officer and fisheries protection officers may exercise all the powers of an enforcement officer under the Fisheries Ordinance, 2021, for the purpose of enforcing the provisions of this Ordinance.

Powers of entry, search and seizure

87. (1) Subject to subsections (2) and (3), an enforcement officer may at any reasonable time enter any premises or enter or board any vehicle, vessel or aircraft for the purposes of checking compliance with this Ordinance, or for carrying out other functions of an enforcement officer under this Ordinance.

(2) An enforcement officer exercising the power to enter premises or to enter or board any vehicle under subsection (1) -

- (a) must, if so required by the owner or occupier of the premises, vehicle or vessel as the case may be, produce evidence of his or her authority before entering; and
- (b) subject to subsection (3), is not entitled to admission as of right to any premises which are occupied, unless 24 hours notice of the intended entry is given to the occupier.

(3) If the Chief Environmental Officer has reason to believe that a contravention of the provisions of this Ordinance or any regulations made under it has occurred or is about to occur, and the circumstances are such that giving notice of the intended entry would defeat the purpose for which entry is sought, an enforcement officer may enter any premises under a warrant issued by a Justice of the Peace.

(4) In the course of any entry under this section, the enforcement officer may -

- (a) carry out any inspection or survey;
- (b) seize any equipment or article being used in the commission of an offence;
- (c) review and copy any documents or other records (in whatever form they may be

⁴ Section 86 amended by Ord. 14 of 2021

- held);
- (d) take photographs or other audio or visual recordings; and
- (e) take samples of air, water, soil or other material found on or in the premises, vehicle or vessel.

(5) An enforcement officer may, for the purpose of exercising any of the powers under subsection (4), open, or authorise any person to open on behalf of the enforcement officer any container or package or require the owner or any person in charge of any container or package to open it, in a manner the enforcement officer specifies.

(6) An enforcement officer may, so far as is necessary to enable the officer to exercise any of the powers conferred by subsection (4), prohibit entirely or to an extent he or she specifies the movement, treatment or destruction of any object, container or package.

(7) If any such record or document as is mentioned in subsection (4) is kept by means of a computer, an enforcement officer may—

- (a) have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the record or document; and
- (b) require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford the enforcement officer such assistance as he may reasonably require.

Powers to search, inspect and seize objects

88. (1) An enforcement officer may examine and search any object that he or she suspects on reasonable grounds may provide evidence that an offence under this Ordinance has been, is being, or is about to be committed.

(2) For the purposes of examining and searching any object under subsection (1) an enforcement officer may, if the object is a container or receptacle (including luggage) open, or break open, the container or receptacle.

(3) An enforcement officer may search for and record fingerprints found on any object to which subsection (1) relates and take a sample from an object.

(4) An enforcement officer must exercise due care to ensure that there is as little damage as possible to an object from which he or she takes a sample.

(5) An enforcement officer may seize and detain any object that he or she suspects on reasonable grounds may provide evidence that an offence under this Ordinance has been, is being, or is about to be committed.

(6) An object may only be seized under paragraph (5) by an enforcement officer if the officer gives to the person, if any, who appears to him or her to be the owner of, or to be entitled to possession of, the object, a receipt identifying the object and indicating the date on which, and the place at which, it was seized.

Powers to inspect and seize specimens

89. (1) An enforcement officer who suspects on reasonable grounds that an offence is being, or is about to be committed under this Ordinance in relation to any specimen, may inspect, seize and detain the specimen.

(2) An enforcement officer may take a sample from, or require a person to take a sample from, a specimen.

(3) An enforcement officer must—

- (a)* only take a sample from an animal in accordance with the advice of a veterinary surgeon; and
- (b)* exercise due care to ensure that as little pain or injury as possible is caused to an animal, and as little damage as possible is caused to a plant, from which he or she takes a sample.

(4) An enforcement officer may search for, and record, fingerprints found on any specimen.

(5) If a specimen is seized under this section by an enforcement officer, he or she must give to the person, if any, who appears to be the owner of, or to be entitled to possession of, the specimen a receipt identifying the specimen and indicating the date on which, and the place at which, it was seized.

(6) A specimen that is seized under this section may be held at a rescue centre until—

- (a)* a prosecution for an offence under this Ordinance in relation to the specimen is abandoned or the defendant is acquitted of such an offence;
- (b)* the Management Authority gives permission to the person whom he or she or it believes to be entitled to the possession of the specimen to take the specimen from that place; or
- (c)* a court determines that a person other than the Management Authority should have possession of the animal or plant,

whichever occurs first.

Power to stop, detain, board and search vehicles, vessels and aircraft

90. (1) If an enforcement officer suspects on reasonable grounds that there may be on or in a vehicle, vessel or aircraft evidence that an offence under this Ordinance has been, is being, or is about to be, committed, he or she may, at any reasonable time, take any or all of the following actions—

- (a)* stop and detain the vehicle, vessel or aircraft;
- (b)* with such assistance as he or she thinks necessary, enter or board the vehicle, vessel or aircraft;
- (c)* search the vehicle, vessel or aircraft for evidence that an offence under this Ordinance has been, is being, or is about to be, committed;
- (d)* request a person on the vehicle, vessel or aircraft to provide to any enforcement officer the assistance that the officer reasonably requires in the exercise of any of the powers of an enforcement officer under this Ordinance;
- (e)* exercise on or in the vehicle, vessel or aircraft any of the powers of an enforcement officer under this Ordinance.

(2) If an enforcement officer has reasonable grounds to suspect that an object is to be taken on, or has been taken off, a vessel or aircraft that is intended to leave St Helena or that has entered St Helena with the object on board, the enforcement officer may—

- (a) search the object; and
- (b) if the object is luggage or a container, open and search the luggage or container, for evidence that an offence under this Ordinance has been, is being or is about to be committed.

(3) It is an offence for a person to fail to—

- (a) comply with a request by an officer to stop a vehicle, vessel or aircraft; or
- (b) permit an officer to board the vehicle, vessel or aircraft after such a request is made.

Penalty: A fine of £50,000 or imprisonment for 12 months, or both.

Forfeiture to Government

91. If an enforcement officer seizes an object, including a specimen, the owner of which cannot be identified, the object is forfeited to the Government.

Dealing with forfeited specimens

92. (1) If a specimen is forfeited to the Government under this Ordinance, the Chief Environmental Officer must ensure that a notice is published in a newspaper circulating in St Helena specifying the specimen seized and requesting the owner to contact, within 14 days after the publication of the notice, a person specified in the notice.

(2) Whether or not the owner of a specimen is identified, the Management Authority may—

- (a) sell or give the specimen to another person (including the owner);
- (b) retain any animal or plant specimen at a rescue centre;
- (c) if the animal or plant is not alive, dispose of it;
- (d) in the case of an animal, destroy the animal if the Management Authority thinks it is necessary or desirable to do so to cease the animal's suffering or to remove the risk of the animal spreading disease;
- (e) in the case of a plant, destroy the plant if the Management Authority thinks it is necessary or desirable to do so to remove the risk of the plant spreading disease;
- (f) destroy the animal or plant, if the Management Authority thinks it necessary or desirable to do so to ensure the health of the species to which the animal or plant belongs; or
- (g) transport, or ensure the transportation of, the animal or plant back to a country or territory from which the Management Authority believes it was taken from the wild or exported to St Helena.

(2A) The destruction of an animal under subsection (2)(d) or (f) may only be undertaken on the advice of a veterinary surgeon.

(3) Any expenses reasonably incurred by the Management Authority in exercise of the powers under this section, including the cost of any veterinary treatment reasonably required in respect of any animal, are recoverable as a civil debt from the owner or person having, or appearing to have, care or custody of the specimen.

Sampling and testing

93. (1) When a sample is taken by an enforcement officer exercising powers under this Ordinance, the officer taking the sample must—

- (a) notify the person in charge of the premises, vehicle or vessel from which the sample was obtained of his or her intention to submit the sample for analysis or examination;
- (b) divide the sample into 3 parts, causing each part to be marked and sealed in a manner the nature of the sample permits;
- (c) deliver one of the parts to the person in charge of the premises, vehicle or vessel from which the sample was obtained;
- (d) retain one of the parts for future comparison or verification; and
- (e) submit the third part for analysis or examination as soon as practicable.

(2) Every sample taken in accordance with subsection (1) must be submitted to a designated scientific laboratory for analysis or examination in accordance with accepted forensic procedures.

False statements, documents, etc.

94. (1) A person must not make a statement that is false or misleading in any material particular in any application or in other information given to an enforcement officer under this Ordinance.

(2) A person must not falsify or alter any document that is granted, served or issued by [an authority](#) or enforcement officer under this Ordinance or provide to [an authority](#) or enforcement officer a document that has been falsified or altered by the person or that the person knows to have been falsified or altered.

(3) A person who contravenes subsection (1) or (2) commits an offence.
Penalty: A fine of £25,000 or imprisonment for 6 months, or both.

Person must not hinder etc. officer

95. (1) A person must not wilfully or recklessly delay, hinder or obstruct an enforcement officer in the exercise of his or her powers under this Ordinance.

(2) A person who contravenes paragraph (1) commits an offence.
Penalty: A fine of £25,000 or imprisonment for 6 months, or both.

Offence to alter etc. marking

96. (1) A person other than an enforcement officer must not alter, obscure, add to or remove a mark in relation to any animal, plant or object made by an enforcement officer in exercise of a function under this Ordinance.

(2) A person who, without reasonable excuse, contravenes paragraph (1) commits an offence.
Penalty: A fine of £25,000 or imprisonment for 6 months, or both.

PART 13 ENVIRONMENTAL PROTECTION NOTICES

Power to serve environmental protection notices

97. (1) If—

- (a) provision is made in this Ordinance for the service of an environmental protection notice under this Part; and
- (b) any of subsections (3) to (5) applies,

an enforcement officer may serve an environmental protection notice on the owner or, as the case may be, occupier of the premises in relation to which steps need to be taken to protect the environment.

(2) Prior to an environmental protection notice being served, the Chief Environmental Officer must offer to the intended recipient of the notice to enter into an agreement to take, or refrain from taking, those steps which may be specified under section 99(1) in relation to the proposed environmental protection notice (referred to in this Part as an **“environmental protection agreement”**).

(3) This subsection applies where—

- (a) the Chief Environmental Officer has offered to enter into an environmental protection agreement;
- (b) 42 days have elapsed since the date of the offer; and
- (c) the owner or occupier has refused or otherwise failed to enter into the agreement.

(4) This subsection applies where—

- (a) a person has entered into an environmental protection agreement with the Chief Environmental Officer; and
- (b) the person has failed to comply with the terms of the agreement.

(5) This subsection applies where an enforcement officer has failed to ascertain the name or address of any owner or occupier of the premises (having made reasonable efforts to do so) and accordingly has not been able to offer to enter into an environmental protection agreement.

(6) Subsection (4) does not apply unless—

- (a) the enforcement officer has given notice in accordance with subsection (2) stating that the Chief Environmental Officer wishes to offer to enter into an environmental protection agreement;
- (b) 48 hours have passed since the notice was given; and
- (c) no owner or occupier of the premises has identified themselves to the Chief Environmental Officer.

(7) A notice under this subsection must be addressed to “The owners and any occupiers” of the premises (describing them) and a copy of it must be affixed to some conspicuous object on the premises.

(8) If action is taken in accordance with subsection (7), the Chief Environmental Officer is to be treated as having provided notice to each owner or occupier whose name and address is unknown).

Emergency environmental protection notices

98. (1) If an enforcement officer considers that the service of an environmental protection notice is urgent, an enforcement officer may, despite section 97(1)(b), serve an environmental protection notice whether or not any of subsections (2) to (4) of section 97 apply.

(2) An emergency environmental protection notice expires 49 days after it is made.

Content of environmental protection notices

99. (1) An environmental protection notice must—

- (a) describe the premises to which it relates;
- (b) specify the purpose of the notice, including the environmental harm, danger or nuisance (in this section referred to as an “**environmental problem**”) that is the subject of the notice;
- (c) specify, to the extent necessary—
 - (i) any operations which are to be carried out on the premises or other actions that must be taken for the purpose of preventing, controlling or eradicating the environmental problem;
 - (ii) the manner in which those operations are to be carried out;
 - (iii) the person or persons who are to carry out those operations; and
 - (iv) the time-frame within which those operations are to be carried out;
- (d) specify any operations or actions which must not be carried out on the premises (referred to in this Part as “**excluded operations**”); and
- (e) specify the date on which the notice is to come into effect and the period for which it is to have effect.

(2) An environmental protection notice, other than an emergency environmental protection notice, may provide for the making of payments by the owner or occupier of the premises to which the notice relates, to any person in respect of reasonable costs incurred by a person carrying out an operation under the notice.

Offences in relation to environmental protection notices

100. (1) A person must not, without reasonable excuse, fail to carry out, in the manner required by an environmental protection notice, an operation which the person is required by the notice to carry out.

(2) A person must not intentionally obstructs any person from carrying out an operation required to be carried out under an environmental protection notice. ~~commits an offence.~~

(3) A person must not, without reasonable excuse, carry out, or cause or permit to be carried out, any excluded operation.

(4) A person who contravenes subsection (1), (2) or (3) commits an offence.

Penalty: A fine of £25,000 or imprisonment for 6 months, or both.

Miscellaneous provisions as to environmental protection notices

- 101. (1)** An environmental protection notice served under this Ordinance may—
- (a) specify one or more requirements or alternative requirements; and
 - (b) define by reference to a map or plan or otherwise the extent of the premises referred to in the notice.

(2) Any treatment, destruction or disposal required by an environmental protection notice served under this Ordinance must be carried out or arranged to be carried out by the person on whom the notice is served—

- (a) to the satisfaction of an enforcement officer; and
- (b) from or at a place designated by an enforcement officer.

(3) An enforcement officer may amend or withdraw an environmental protection notice served under this Ordinance by a further notice served on the person on whom the original notice was served or on the person who is the occupier or in charge of the premises in respect of which the further notice is intended to be served.

(4) A notice under subsection (3) may be subject to any conditions the enforcement officer considers expedient to impose for the purpose of ensuring that the objectives of the original notice, where they continue to exist, are met.

PART 14 GENERAL PROVISIONS AS TO NOTICES

Application of this Part

- 102.** In this Part, “**notice**” includes—
- (a) an environmental protection notice;
 - (b) an emergency environmental protection notice; and
 - (c) a street litter control notice.

Appeals against notices

- 103. (1)** A person—
- (a) on whom any notice is served under this Ordinance; or
 - (b) is subject to the imposition of requirements under any environmental protection notice served under this Ordinance,

may within the period of 21 days of the date of service appeal against the notice to the Magistrates’ Court.

(2) On any appeal under subsection (1) the court must modify or quash the notice, as appropriate, if satisfied that—

- (a) the service of the notice, or any requirement contained in it, is not reasonable in all the circumstances;
- (b) there is a material defect in the notice;

and in any other case must dismiss the appeal.

Service of notices

- 104. (1)** A notice under this Ordinance may be served on any person—
- (a) by delivering it to the person personally;
 - (b) by leaving it for the person at the person's usual or last known place of abode or business;
 - (c) by sending it in a prepaid registered letter addressed to the person at the person's usual or last known place of abode or, where an address for service has been given by that person, at that address; or
 - (d) in the case of a body corporate, or other body, by delivering it to a director or other officer of that body at its registered or principal office in St Helena, or by sending it in a prepaid registered letter addressed to the secretary or other officer of that body at that office.

(2) If a notice or other document required or authorised to be given or served under this Ordinance is to be served on the occupier or other person in charge of premises, and the last known place of abode or business of that person cannot be ascertained after reasonable inquiry, the notice is to be taken to be served 7 days after it has been addressed to “the occupier” and affixed conspicuously to an object on the premises to which the notice relates.

(3) If a notice is served under this Ordinance, an enforcement officer may, either in that notice or in a separate notice served on the owner or on such other person as appears to the enforcement officer to be in charge of the premises to which the notice relates, require the person on whom the notice is served to inform—

- (a) the Chief Environmental Officer of any change in the occupation of the premises to which the notice relates together with the date of the change and the name of the new occupier; and
- (b) the new occupier of the premises of the contents of the notice.

Coming into effect of notices

- 105.** Unless a notice specifies a later date under section 99(1)(e)—
- (a) an emergency environmental protection notice comes into effect at the time it is served; and
 - (b) any other notice comes into effect either—
 - (i) upon the expiry of the time limit for appealing against the decision to serve the notice; or
 - (ii) if such an appeal is made, on the date of withdrawal of the appeal or on the date of its final determination, subject to any directions the court may make.

Failure to comply with a notice

106. (1) Subject to section 109, if any person fails to comply with a notice served, or deemed to be served, on the person under this Ordinance then, without affecting any proceedings consequent upon such failure, an enforcement officer may, for the purposes of this Ordinance and on production if so required of his or her authority -

- (a) at any reasonable time, enter any premises to which the notice relates; and
- (b) take or cause to be taken any steps that appear to the enforcement officer to be necessary either to ensure compliance with the requirements of the notice or to

remedy the consequences of the failure to carry them out.

(2) An enforcement officer entering any premises under subsection (1) may take with him or her any other persons and any equipment and vehicles he or she considers necessary for the purposes of facilitating the exercise of the powers under that subsection.

(2A) A person who goes with an enforcement officer as contemplated by subsection (1, whether or not accompanied by the enforcement officer and on production, if so requested, of a written authority by the Chief Environmental Officer, may remain on the premises and from time to time re-enter the premises with any equipment or vehicles that person considers necessary, and carry out such work and in such manner as the enforcement officer directs.

(3) If an enforcement officer takes any steps pursuant to paragraph (1), the Chief Environmental Officer may recover all reasonable costs of taking such steps as a debt from the person on whom the notice was served.

Information as to compliance with notices

107. A person on whom an environmental protection notice has been served, or is deemed to have been served, under this Ordinance must, if so required by an enforcement officer, immediately inform the enforcement officer whether the requirements of the notice have been complied with and, if they have been complied with, of the details of the steps taken in order to comply with those requirements.

Information to be given

108. (1) An enforcement officer may by notice served on any person require that person to give to the enforcement officer within a reasonable time specified in the notice any information described in subsection (2).

(2) The information referred to in subsection (1) is any information, specified in the notice, which the enforcement officer reasonably considers is needed for purposes connected with implementation of this Ordinance.

PART 15 OFFENCES AND LIABILITY

Offences

109. (1) No person may contravene any provision of this Ordinance or of any regulations or orders, or the terms and conditions of any permit or other documentary authorisation granted or agreement made, under this Ordinance.

(2) Any person who obstructs an enforcement officer acting in the exercise of his or her powers under this Ordinance commits an offence.
Penalty: A fine of £25,000 or imprisonment for 6 months, or both.

(3) It is an offence for a person, for the purpose of procuring a licence or in providing information as to compliance with an environmental enforcement notice served on the person—
(a) knowingly or recklessly to make a statement which is false in a material

particular; or

- (b) intentionally to fail to disclose any material information.

Penalty: A fine of £25,000 or imprisonment for 6 months, or both.

(4) Unless a different or other penalty or punishment is specifically prescribed, a person who contravenes subsection (1) commits an offence.

Penalty: (a) for a first offence - a fine of £2,500;

- (b) for a second or further offence - a fine of £5,000 or imprisonment for 3 months;

- (c) for a continuing offence - a further penalty of £50 for each day during which the offence continues.

(5) In addition to any fine or imprisonment which the court may impose pursuant to this Ordinance, the court may also order a person convicted of an offence under this Ordinance to—

- (a) remedy any environmental condition or damage to the environment arising out of the offence by a date specified in the order; and
(b) pay compensation into the Consolidated Fund for any economic benefit gained or any amount of money saved by the person as a result of the offence.

Liability for loss, damage and costs

110. (1) Without affecting any civil remedies the Government or any other person may have, a person who commits an offence under this Ordinance or any regulations made under it may, upon conviction, and in addition to any penalty imposed on that person under this Ordinance, be held liable to the Government for—

- (a) any costs incurred in detecting, apprehending, investigating or prosecuting the offence;
(b) any costs incurred in detaining or seizing any property, including the costs of dealing with forfeited specimens;
(c) any costs incurred in remedying, mitigating or repairing any environmental damage attributable to the commission of the offence; and
(d) loss or damage to biodiversity, habitats or ecosystems.

(2) A court may order a person convicted of an offence to pay a sum in compensation for loss, damage or costs as mentioned in subsection (1) in addition to a fine or imprisonment, and any such sum may be recovered in the same manner as a fine.

PART 16 JURISDICTION, EVIDENCE AND PROCEDURE

Scientific evidence

111. (1) The Governor must by order appoint at least one laboratory or testing facility in St Helena, or other countries as appropriate, as a scientific laboratory for the purposes of this Ordinance (in this section referred to as a “**designated scientific laboratory**”).

(1A) The Chief Environmental Officer may establish or recognise other environmental laboratories, institutes or testing facilities to carry out the functions entrusted to such environmental laboratories, institutes or testing facilities under this Ordinance.

(2) A certificate signed by the person in charge of a designated scientific laboratory appointed under subsection (1), stating that an object or substance has been analysed or examined and stating the results of the analysis or examination, is admissible in any proceeding under this Ordinance as sufficient evidence of the matters in the certificate and of the correctness of the results of the analysis or examination.

(3) A certificate must not be admitted into evidence under subsection (2) in proceedings for an offence under this Ordinance unless the defendant has been given a copy of the certificate together with reasonable notice of the intention to produce the certificate as evidence in the proceedings.

(4) In any proceedings for an offence against this Ordinance, the defendant cannot adduce evidence in rebuttal of a certificate issued by a designated scientific laboratory in relation to any matter of which the certificate is evidence unless, within 14 days after a copy of the certificate is given to the defendant in accordance with subsection (3), or any further time the court allows, the defendant gives to the prosecutor notice in writing of the intention to adduce such rebuttal evidence.

Private party actions

112. (1) Any person who is aggrieved by a contravention of this Ordinance may, with the leave of the court, institute proceedings against any other person whom the person aggrieved reasonably suspects is responsible for that contravention.

(2) The court may grant leave to institute proceedings pursuant to subsection (1) to any person or group of persons who has or have a specific interest in the claimed contravention of the Ordinance or any other person or group of persons who can satisfy the court that the proceedings are justifiable in the public interest.

(3) In any proceedings brought under this section, the burden of proof is on the person who institutes the proceedings.

(4) In the event that the court awards costs to the person against whom the proceedings are brought, the person who instituted the proceedings is liable for payment of the costs awarded.

(5) The Attorney General may intervene in any proceedings instituted by any person under this section, as of right.

Liability of corporate bodies

113. (1) When an act or omission that is offence under this Ordinance or any regulations made under it has been committed by a corporate body, any individual who was at the material time a director, partner, owner or officer of that corporate body may be found personally liable for that offence, in addition to or in substitution for any liability to which the corporate body is subject, if that act or omission was done with the individual's knowledge, consent or acquiescence, or if he or she did not exercise reasonable diligence to prevent the commission of that offence.

(2) In any proceedings against a director, partner, owner or officer of a company pursuant to subsection (1), the onus of proving that the offence was committed without his or her knowledge, consent or acquiescence or despite the exercise of reasonable diligence on his or her part is on the defendant.

Reservation of civil remedies

114. Nothing in this Ordinance takes away or interferes with the right of the Crown or any other person to sue for and recover, at common law or otherwise, compensation for or in respect of damage or injury caused by an offence under this Ordinance.

Penalties under the Ordinance not substituted for others

115. Nothing in this Ordinance is to be construed to prevent anyone being prosecuted under any other law for an act or omission that constitutes an offence under this Ordinance or regulations made under it, or from being liable under that other law to a higher punishment or penalty than is provided by this Ordinance, provided that no one must be punished twice for the same offence.

Acts done in good faith

116. No person authorised by or under this Ordinance to carry out any function or exercise any power or perform any duty may be held personally liable in any court for or in respect of any act or matter done, or omitted to be done, in good faith in the exercise or discharge of that function or power or duty.

PART 17 MISCELLANEOUS

Service of documents other than notices

117. (1) Any document required or authorised to be given or served under this Ordinance, except for any notice to which Part 9 applies, may be served on any person—

- (a) by delivering it to the person personally;
- (b) by leaving it for the person at the person's usual or last known place of abode or business;
- (c) by sending it in a prepaid registered letter addressed to the person at the person's usual or last known place of abode or, where an address for service has been given by that person, at that address; or
- (d) in the case of a body corporate, or other body, by delivering it to a director or other officer of that body at its registered or principal office in St Helena, or by sending it in a prepaid registered letter addressed to the secretary or other officer of that body at that office.

(2) If the document required or authorised to be given or served under this Ordinance is to be served on any person having an interest in land or on the occupier or other person in charge of premises, and the last known place of abode or business of that person cannot be ascertained after reasonable inquiry, the notice must be taken to be served 7 days after it has been addressed to "the occupier" and affixed conspicuously to an object on the premises to which the notice relates.

Application to Crown

118. This Ordinance binds the Crown.

PART 18 REPEALS AND TRANSITIONAL PROVISIONS

Repeals, savings, consequential amendments and transitional provisions

119. (1) The following enactments are repealed—

- (a) Litter Ordinance, Cap. 58;
- (b)⁵ ...
- (c) Endangered Species Protection Ordinance, 2003.

(2) *Omitted*

(3) This Ordinance must be treated (for the purposes of section 10(2) of the Interpretation Ordinance, Cap. 3) as repealing and re-enacting the Ordinances listed in subsection (1).

(4) Every permit, licence, certificate, declaration or notice issued under any Ordinance listed in subsection (1) and remaining in force or having effect immediately prior to the commencement of this Ordinance remains in force and has effect as if it had been made under a corresponding provision of this Ordinance.

(5) *Omitted*

(6) Every officer appointed under any Ordinance listed in subsection (1) and holding office under any of those Ordinance on the date this Ordinance comes into force, continues, until replaced, to hold office as if this Ordinance had been in force at the time of the appointment of such officer.

(7) Every order, direction, decision or request made by any person authorised to make such orders, directions, decisions or requests under any Ordinance listed in subsection (1) is, if still subsisting, deemed to be an order, direction or decision made under the corresponding provisions of this Ordinance and has effect accordingly.

SCHEDULE 1 (Sections 17(1) and 18(3))

MULTILATERAL ENVIRONMENTAL AGREEMENTS EXTENDED TO ST HELENA

Agreement	Date extended to St Helena
Convention on Third Party Liability in the Field of Nuclear Energy (29 th July 1960)	19 th April 1972

⁵ Section 119(1)(b) not in force yet (See LN 4 of 2016). Paragraph (b) repealed by Ord. 14 of 2021

• Additional Protocol to the Convention on Third Party Liability in the Field of Nuclear Energy (28th January 1964)	19 th April 1972
• Protocol to Amend the Convention on Third Party Liability in the Field of Nuclear Energy of 29th July 1960, as amended by the Additional Protocol of 28th January 1964 (16th November 1982)	19 th August 1985
International Convention on the Regulation of Whaling (2 nd December 1946)	17 th February 1973
Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (29 th December 1972)	17 th November 1975
• Amendments to Articles I & II of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (12th October 1978)	9 th March 1979
• Amendments to Articles XI, XIV(4)(A) and XV(1)(A) of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (12th October 1978)	21 st March 1980
• 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (22nd September 1997)	15 th December 1998
Convention on Wetlands of International Importance, especially as Waterfowl Habitat (2 nd February 1971)	5 th January 1976
• Amendments to Articles 6 & 7 of the Convention on Wetlands of International Importance (28th May 1987)	27 th June 1990
• Protocol to amend the Convention on Wetlands of International Importance especially as Waterfowl Habitat (3rd December 1982)	19 th April 1984
International Convention on International Trade in Endangered Species (CITES) of Wild Fauna and Flora (3 rd March 1973)	2 nd August 1976
International Convention relating to Intervention on the High Seas in cases of Oil Pollution Casualties (29 th November 1969)	8 th September 1982
• Protocol relating to Intervention on the High Seas in cases of Oil Pollution by Substances other than Oil (2nd November 1973)	9 th September 1982
Convention for the Protection of World Cultural and Natural Heritage (16 th November 1972)	29 th May 1984
Convention on the Conservation of Migratory Species of Wild Animals (23 rd June 1979)	23 rd July 1985

• Agreement on the Conservation of African-Eurasian Migratory Waterbirds (15th August 1996)	
Vienna Convention for the Protection of the Ozone Layer (22 nd March 1985)	22 nd February 1999

Montreal Protocol on Substances that Deplete the Ozone Layer (16th September 1987)	15 th May 1987
Protocol on Environmental Protection to the Antarctic Treaty (4 th October 1991)	16 th December 1988
Convention on Biological Diversity (5 th June 1992)	25 th May 1995
United Nations Convention to Combat Desertification in Countries experiencing serious drought and/or desertification, particularly in Africa (14 th October 1994)	3 rd June 1994
United Nations Convention on the Law of the Sea (10 th December 1982)	18 th October 1996
Agreement relating to the implementation of Park XI of the United Nations Convention on the Law of the Sea of 10.12.1982 (28 th July 1994)	25 th July 1997
Protocol to amend the International Convention on Civil Liability for Oil Pollution Damage of 29 th November 1969 (27 th November 1992)	25 th July 1997
Protocol to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage of 18 th December 1971 (27 th November 1992)	15 th May 1998
Convention on the Conservation and Management of Fishery Resources in the South East Atlantic Ocean (20 th April 2001)	15 th May 1998
Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, relating to the Conservation and Management of Straddling Fish Stock and Highly Migratory Fish Stocks (4 December 1995)	20 th April 2001
	9 th January 2002

SCHEDULE 2 (Section 19)

PROTECTED ANIMALS AND PLANTS

PART 1 - ANIMALS

Marine Species

Family	Scientific Name	Local Name	Global Name	International Designation
Fish				
Scombridae	<i>Thunnus obesus</i>	Coffrey	Bigeye Tuna	IUCN Vulnerable
Syngnathidae	<i>Hippocampus erectus</i>	Seahorse	Lined Seahorse, Northern	IUCN Vulnerable
Scorpaenidae	<i>Pontinus nigropunctatus</i>	Deepwater Jack	Deepwater Jack	IUCN Vulnerable D2

Family	Scientific Name	Local Name	Global Name	International Designation
Moridae	<i>Physiculus helenensis</i>	Skulpin	Skulpin	IUCN Critically
Pomacentridae	<i>Stegastes sanctaehelenae</i>	Bastard Cavalley Pilot		IUCN Vulnerable D2
Pomacentridae	<i>Chromis sanctaehelenae</i>	Bastard Five Finger		IUCN Vulnerable D2
Callionymidae	<i>Callionymus sanctaehelenae</i>	St Helena Dragonet		IUCN Critically
Istiophoridae	<i>Kajikia albida</i>	White Marlin	White Marlin	IUCN Vulnerable
Serranidae	<i>Holanthias fronticinctus</i>	Deepwater Greenfish		
Scorpaenidae	<i>Scorpaena mellissii</i>	Deepwater Gurnard		
Labridae	<i>Thalassoma sanctaehelenae</i>	Greenfish		
Congridae	<i>Ariosoma mellissii</i>	Silver Eel		
Blenniidae	<i>Scartella springeri</i>	Springer's Blenny		
Gobiidae	<i>Priolepis ascensionis</i>	Ascension Goby		
Tripterygiidae	<i>Helcogramma ascensionis</i>	Ascension Triplefin		
Chaetodontidae	<i>Prognathodes dichrous</i>	Bastard Cunningsfish		
Tetraodontidae	<i>Canthigaster sanctaehelenae</i>	Bastard Hogfish		
Chaetodontidae	<i>Chaetodon sanctaehelenae</i>	Cunningsfish	St Helena Butterfly Fish	
Serranidae	<i>Serranus sanctaehelenae</i>	Deepwater Brown Mullet	St Helena Comber	
Ostraciidae	<i>Acanthostracion notacanthus</i>	Hogfish	Island Cowfish	
Labridae	<i>Xyrichtys blanchardi</i>	Marmalade Razorfish	Marmalade Razorfish	
Labridae	<i>Bodianus insularis</i>	Parrotfish	Parrotfish	
Apogonidae	<i>Apogon axillaris</i>	Red Mullet		
Scorpaenidae	<i>Scorpaenodes insularis</i>	Red Scorpionfish	Red Scorpionfish	
Scaridae	<i>Sparisoma strigatum</i>	Rockfish		
Labridae	<i>Xyrichtys sanctaehelenae</i>	Sand Greenfish	Yellow Razorfish	

Family	Scientific Name	Local Name	Global Name	International Designation
Ophichthidae	<i>Phaenomonas longissima</i>	Short-maned Sand Eel		
Bothidae	<i>Bothus mellissi</i>	Solefish/Flounder		
Blenniidae	<i>Entomacrodus textilis</i>	Textile Blenny	Textile Blenny	
Crustaceans				
Palinuridae	<i>Panulirus echinatus</i>		Brown Spiny Lobster (when in berry)	IUCN Least Concern
Scyllaridae	<i>Scyllarides obtusus</i>	Stumpy	Slipper Lobster	IUCN Critically
Sharks				
Rhincodontidae	<i>Rhincodon Typus</i>	Bone Shark	Whale Shark	IUCN Vulnerable
Carcharhinidae	<i>Prionace glauca</i>	Blue Shark	Blue shark	IUCN Near Threatened
Pseudocarchariidae	<i>Pseudocarcharias kamoharai</i>	Crocodile shark	Crocodile Shark	IUCN Near Threatened
Lamnidae	<i>Isurus oxyrinchus</i>	Dog shark	Shortfin Mako	IUCN Vulnerable
Carcharhinidae	<i>Carcharhinus galapagensis</i>	Mackerel shark	Galapagos Shark	Near Threatened
Sphyrnidae	<i>Sphyrna sp.</i>	Shovel-nose shark		
Alopiidae	<i>Alopias superciliosus</i>	Whiptail	Bigeye Thresher	IUCN Vulnerable
Carcharhinidae	<i>Carcharhinus longimanus</i>	Whitetip	Oceanic Whitetip Shark, Whitetip	IUCN Vulnerable
Mobulidae	<i>Mobula tarapacana</i>	Chilean Devil Ray	Devil Ray	CMS listed
Turtles				
Cheloniidae	<i>Eretmochelys imbricata</i>	Hawksbill Turtle	Hawksbill Turtle	IUCN Critically
Cheloniidae	<i>Chelonia mydas</i>	Green Turtle	Green Turtle	IUCN Endangered
Cetaceans				
Balaenopteridae	<i>Megaptera novaeangliae</i>	Humpback whale	Humpback Whale	CITES Appendix I
Delphinidae	<i>Stenella attenuata</i>	Porpoise	Pantropical Spotted Dolphin	CITES Appendix II
Delphinidae	<i>Tursiops truncatus</i>	Cow Porpoise	Bottlenose Dolphin	CITES Appendix II
Delphinidae	<i>Steno bredanensis</i>	Angerline	Rough-toothed Dolphin	CITES Appendix II

Family	Scientific Name	Local Name	Global Name	International Designation
Delphinidae	<i>Stenella longirostris</i>	Spinner	Spinner Dolphin	CITES Appendix II
Physeteridae	<i>Physeter macrocephalus</i>	Sperm whale	Sperm Whale	CITES Appendix I
Ziphiidae	<i>Mesoplodon densirostris</i>	Blainvilles Beaked Whale	Blainville Beaked Whale	CITES Appendix II
Physeteridae	<i>Kogia breviceps</i>	Pigmy Sperm Whale	Pigmy Sperm Whale	CITES Appendix II
Physeteridae	<i>Kogia sima</i>	Dwarf Pigmy Sperm Whale	Dwarf Pigmy Sperm Whale	CITES Appendix II
Seabirds				
Hydrobatidae	<i>Oceanodroma castro</i>	Maderian Storm Petrel	Maderian Storm Petrel	IUCN Least concern
Phaethontidae	<i>Phaethon aethereus</i>	Trophy Bird	Red-billed Tropicbird	IUCN Least concern
Sulidae	<i>Sula dactylatra</i>	Gannet	Masked Booby	IUCN Least concern
Sulidae	<i>Sula leucogaster</i>	Duck	Brown Booby	IUCN Least concern
Sternidae	<i>Onychoprion fuscatus</i>	Wideawake	Sooty Tern	IUCN Least concern
Sternidae	<i>Anous stolidus</i>	Common Noddy	Brown Noddy	IUCN Least concern
Sternidae	<i>Anous minutus</i>	Egg Bird	Black Noddy	IUCN Least concern
Laridae	<i>Gygis alba</i>	White Bird	Fairy Tern	IUCN Least concern
Procellariidae	<i>Bulweria Bulwerii</i>	Bulwers Petrel	Bulwers Petrel	IUCN Least concern
Hydrobatidae	<i>Pelagodroma marina</i>	White Faced Storm Petrel	White Faced Storm Petrel	IUCN Least concern
Sulidae	<i>Sula Sula</i>	Red Footed Booby	Red Footed Booby	IUCN Least concern
Stercorariidae	<i>Stercorarius pomarinus</i>	Cape Hen	Promarine Skua	IUCN Least concern
Stercorariidae	<i>Stercorarius parasiticus</i>	Cape Hen	Arctic Skua	IUCN Least concern
Procellariidae	<i>Puffinus griseus</i>		Sooty Shearwater	IUCN Near threatened
Procellariidae	<i>Puffinus lherminieri</i>		Little Shearwater	IUCN Least concern
Fregatidae	<i>Fregata ariel</i>		Lesser frigatebird	
Fregatidae	<i>Fregata minor</i>		Great Frigate Bird	Fregatidae

Family	Scientific Name	Local Name	Global Name	International Designation
Terrestrial Species				
Avian				
<i>Charadrius sanctaehelenae</i>	St Helena Wirebird	St Helena Plover	IUCN Critically Endangered	
<i>Gallinula chloropus</i>	Water Fowl, Water Hen,	Moorhen	IUCN Least Concern vers. 3.1	
Charadriidae				
Rallidae				
Invertebrates				
Lepismatidae	<i>Ctenolepisma sanctaehelenae</i>	Violet-Marked Silverfish		
Libellulidae	<i>Sympetrum dilatatum</i>	St Helena Dragonfly		
Tettigoniidae	<i>Phaneracra bartletti</i>	Bartlett's Cricket		
Tettigoniidae	<i>Phaneracra uvarovi</i>	Uvarov's Cricket		
Gryllidae	<i>Gryllus abnormis</i>	Abnormal Field Cricket		
Gryllidae	<i>Myrmecophilus sanctaehelenae</i>	Ant Loving Cricket		
Acrididae	<i>Tinaria calcarata</i>			
Acrididae	<i>Primnia sanctaehelenae</i>			
Anisolabididae	<i>Labidura herculeana</i>	Giant Earwig		
Carabidae	<i>Aplothorax burchellii</i>	Giant Ground Beetle		
Carabidae	<i>Notaphus mixtus mellissii</i>	Melliss's Ground Beetle		
Carabidae	<i>Pseudophilochthus nubigena</i>			
Carabidae	<i>Pseudophilochthus grayanus</i>	Gray's Ground Beetle		
Carabidae	<i>Pseudophilochthus dicksoniae</i>	Tree Fern Ground Beetle		
Carabidae	<i>Pseudophilochthus sublimbatus</i>			
Carabidae	<i>Pseudophilochthus trechoides</i>			
Carabidae	<i>Pseudophilochthus rufosuffusus</i>			

Family	Scientific Name	Local Name	Global Name	International Designation
Carabidae	<i>Pseudophilochthus fossor</i>			
Carabidae	<i>Pseudophilochthus</i>			
Carabidae	<i>Pseudophilochthus evanescens</i>			
Carabidae	<i>Apteromimus platyderoides</i>			
Carabidae	<i>Apteromimus wollastoni</i>	Wollaston's Ground Beetle		
Carabidae	<i>Endosomatium megalops</i>			
Carabidae	<i>Eotachys caheni</i>			
Carabidae	<i>Lymnastis sanctaehelenae</i>			
Carabidae	<i>Harpalus sanctaehelenae</i>			
Carabidae	<i>Harpalus prosperus</i>	Prosperous Ground Beetle		
Ptillidae	<i>Ptinella matthewsiana</i>			
Ptillidae	<i>Acrotrichis sanctaehelenae</i>			
Staphylinidae	<i>Philonthus dictator</i>			
Staphylinidae	<i>Atheta helenensis</i>			
Staphylinidae	<i>Atheta basilewskyana</i>			
Scarabaeidae	<i>Mellissius eudoxus</i>	Hornless Red Scarab		
Scarabaeidae	<i>Mellissius oryctoides</i>	Dent-headed Scarab		
Scarabaeidae	<i>Mellissius popei</i>	Pope's Scarab		
Elateridae	<i>Anchastus compositarum</i>	Daisy Click Beetle		
Anobiidae	<i>Xyletomerus insulanus</i>			
Anobiidae	<i>Helenoxylon confertum</i>			
Cryptophagidae	<i>Micrambe gracillipes</i>			
Tenebrionidae	<i>Stenosis sanctaehelenae</i>	Saint Darkling Beetle		

Family	Scientific Name	Local Name	Global Name	International Designation
Tenebrionidae	<i>Helenomelas basilewskyi</i>	Basilewisky's Darkling Beetle		
Tenebrionidae	<i>Hadrodes helenensis</i>	Helenian Darkling Beetle		
Tenebrionidae	<i>Tarphiophasis tuberculatus</i>	Tubercular Darkling Beetle		
Tenebrionidae	<i>Tarphiophasis decellei</i>	Decelle's Darkling Beetle		
Tenebrionidae	<i>Tarphiophasis wollastoni</i>	Wollaston's Darkling Beetle		
Tenebrionidae	<i>Tarphiobasis leleupi</i>	Leleup's Darkling Beetle		
Tenebrionidae	<i>Tarphiophasis insulanus</i>	Island Darkling Beetle		
Tenebrionidae	<i>Pseudoleichenu m benoiti</i>	Benoit's Darkling Beetle		
Tenebrionidae	<i>Zophobas atratus concolor</i>	Downtown Darkling Beetle		
Anthicidae	<i>Anthicodes maculatus</i>	Spotted Ant-like Beetle		
Anthicidae	<i>Anthicodes fragilis</i>	Fragile Ant-like Beetle		
Chrysomelidae	<i>Longitarsus mellissi</i>	Jellicoe Flea Beetle		
Chrysomelidae	<i>Longitarsus janulus</i>	She Cabbage Flea Beetle		
Chrysomelidae	<i>Longitarsus helenae</i>	Lobelia Flea Beetle		
Anthribidae	<i>Valenfriesia janischi</i>	Janisch's Fungus Weevil		
Anthribidae	<i>Valenfriesia subfasciata</i>			
Anthribidae	<i>Valenfriesia bewicki</i>	Bewick's Fungus Weevil		
Anthribidae	<i>Valenfriesia alutacea</i>			
Anthribidae	<i>Valenfriesia dimidiata</i>			
Anthribidae	<i>Valenfriesia rotundata</i>	Rotund Fungus Weevil		
Anthribidae	<i>Valenfriesia rufopicta</i>			
Anthribidae	<i>Valenfriesia congener</i>			
Anthribidae	<i>Valenfriesia dalei</i>	Dale's Fungus Weevil		

Family	Scientific Name	Local Name	Global Name	International Designation
Anthribidae	<i>Valenfriesia aenea</i>	Bronze Fungus Weevil		
Anthribidae	<i>Valenfriesia grayi</i>	Gray's Fungus Weevil		
Anthribidae	<i>Homoeodera nodulipennis</i>	Knobbly Fungus Weevil		
Anthribidae	<i>Homoeodera elateroides</i>			
Anthribidae	<i>Homoeodera edithia</i>			
Anthribidae	<i>Homoeodera scolytoides</i>			
Anthribidae	<i>Homoeodera major</i>			
Anthribidae	<i>Homoeodera pygmaea</i>	Pygmy Fungus Weevil		
Anthribidae	<i>Homoeodera longefasciata</i>			
Anthribidae	<i>Homoeodera asteris</i>			
Anthribidae	<i>Homoeodera paviae</i>			
Anthribidae	<i>Homoeodera coriacea</i>			
Anthribidae	<i>Homoeodera globulosa</i>			
Anthribidae	<i>Acarodes gutta</i>			
Curculionidae	<i>Nesiobius squamosus</i>			
Curculionidae	<i>Nesiobius barbatus</i>			
Curculionidae	<i>Nesiobius fimbriatus</i>			
Curculionidae	<i>Nesiobius sulcicollis</i>			
Curculionidae	<i>Nesiobius indigenus</i>			
Curculionidae	<i>Nesiobius breviusculus</i>			
Curculionidae	<i>Nesiobius asperatus</i>			
Curculionidae	<i>Nesiobius ascendens</i>			
Curculionidae	<i>Nesiobius horridus</i>			

Family	Scientific Name	Local Name	Global Name	International Designation
Curculionidae	<i>Nesiobius gracilis</i>			
Curculionidae	<i>Nesiobius niger</i>			
Curculionidae	<i>Nesiobius minor</i>			
Curculionidae	<i>Nesiobius simplex</i>			
Curculionidae	<i>Tychiorhinus lineatus</i>			
Curculionidae	<i>Tychiorhinus porrectus</i>			
Curculionidae	<i>Tychiorhinus subochraceus</i>			
Curculionidae	<i>Tychiorhinus inaequalis</i>			
Curculionidae	<i>Tychiorhinus variolosus</i>			
Curculionidae	<i>Tychiorhinus melanodendri</i>			
Curculionidae	<i>Cryptommata cucculata</i>			
Curculionidae	<i>Tapiromimus gibbistrois</i>			
Curculionidae	<i>Xestophasis nasalis</i>			
Curculionidae	<i>Xestophasis xerophilus</i>			
Curculionidae	<i>Lamprochrus cossonoides</i>			
Curculionidae	<i>Lamprochrus cossonoides</i>			
Curculionidae	<i>Lamprochrus hedyotinus</i>			
Curculionidae	<i>Eucoptoderus vermiculatus</i>			
Curculionidae	<i>Eucoptoderus affinis</i>			
Curculionidae	<i>Chalcotrogus apionides</i>			
Curculionidae	<i>Chalcotrogus oblongior</i>			
Curculionidae	<i>Chalcotrogus semipolitus</i>			
Curculionidae	<i>Acanthinomerus chevrolatii</i>			

Family	Scientific Name	Local Name	Global Name	International Designation
Curculionidae	<i>Acanthinomerus monilicornis</i>			
Curculionidae	<i>Acanthinomerus similis</i>			
Curculionidae	<i>Acanthinomerus obliteratus</i>			
Curculionidae	<i>Acanthinomerus robertsi</i>			
Curculionidae	<i>Acanthinomerus angustus</i>			
Curculionidae	<i>Acanthinomerus cylindricus</i>			
Curculionidae	<i>Acanthinomerus asperatus</i>			
Curculionidae	<i>Acanthinomerus wollastoni</i>			
Curculionidae	<i>Microxylobius dimidiatus</i>			
Curculionidae	<i>Microxylobius oculatus</i>			
Curculionidae	<i>Microxylobius granulosus</i>			
Curculionidae	<i>Microxylobius sculpturatus</i>			
Curculionidae	<i>Microxylobius opacus</i>			
Curculionidae	<i>Microxylobius whiteheadi</i>			
Curculionidae	<i>Microxylobius leleupi</i>			
Curculionidae	<i>Microxylobius joannae</i>			
Curculionidae	<i>Isotornus retractilis</i>			
Curculionidae	<i>Isotornus aterrimus</i>			
Curculionidae	<i>Isotornus trituratorus</i>			
Curculionidae	<i>Peltophorus commidendri</i>			
Curculionidae	<i>Pseudomesoxenus minutissimus</i>			
Curculionidae	<i>Pseudomesoxenus subcaecus</i>			
Curculionidae	<i>Pseudomesoxenus filicum</i>			

Family	Scientific Name	Local Name	Global Name	International Designation
Curculionidae	<i>Pseudomesoxenus scrobiculatus</i>			
Curculionidae	<i>Pentatemnodes rupertsianus</i>			
Curculionidae	<i>Hexacoptus ferrugineus</i>			
Curculionidae	<i>Pachymastax crassus</i>			
Curculionidae	<i>Pseudostenoscelis sculpturata</i>			
Curculionidae	<i>Pseudostenoscelis asteriperda</i>			
Curculionidae	<i>Pseudostenoscelis alutaceicollis</i>			
Curculionidae	<i>Pseudostenoscelis compositarum</i>			
Limoniidae	<i>Dicranomyia basilewskyana</i>			
Limoniidae	<i>Dicranomyia loveridgeana</i>			
Simuliidae	<i>Simulium politum</i>			
Drosophilidae	<i>Scaptomyza mimitantalia</i>			
Asteiidae	<i>Anarista vittata</i>			
Sphaeroceridae	<i>Aubertina sanctaehelenae</i>			
Tachinidae	<i>Atlantomyia nitida</i>	Prosperous Fly		
Figitidae	<i>Kleidotoma microscutellaris</i>			
Ichneumonidae	<i>Netelia insulicola</i>			
Mymaridae	<i>Mymarilla wollastoni</i>			
Scelionidae	<i>Macroteleia gracilicornis</i>			
Megaspilidae	<i>Dendrocerus wollastoni</i>			
Bethylidae	<i>Sclerodermus wollastoni</i>			
Bethylidae	<i>Sclerodermus insularis</i>			
Bethylidae	<i>Sclerodermus sanctaehelenae</i>			

Family	Scientific Name	Local Name	Global Name	International Designation
Bethylidae	<i>Holepyris atlanticus</i>			
Formicidae	<i>Camponotus fabricator</i>			
Trogiidae	<i>Cerobasis atlantica</i>	Atlantic Barkfly		
Sphaeropsocidae	<i>Sphaeropsocops is myrtleae</i>	Myrtle's Barkfly		
Caeciliusidae	<i>Stenocaecilius benoiti</i>	Benoit's Barkfly		
Peripsocidae	<i>Peripsocus decellei</i>	Decelle's Barkfly		
Psocidae	<i>Blaste helenae</i>	Helena Barkfly		
Phlaeothripidae	<i>Diceratothrips meridionalis</i>			
Cixiidae	<i>Helenolius dividens</i>	Flagstaff Hopper		
Cixiidae	<i>Helenolius insulicola</i>	Rosemary Hopper		
Delphacidae	<i>Ilburnia ignobilis</i>	Black-faced Hopper		
Delphacidae	<i>Ilburnia diana</i>	Brown-faced Hopper		
Cicadellidae	<i>Argaterma alticola</i>	Coarse Stained-glass Leafhopper		
Cicadellidae	<i>Argaterma multisignata</i>	Fine Stained-glass Leafhopper		
Cicadellidae	<i>Nehela vulturina</i>	Vulture Leafhopper		
Cicadellidae	<i>Stonasia consors</i>			
Cicadellidae	<i>Stonasia undulata</i>			
Cicadellidae	<i>Sanctahelenia sanctahelenae</i>	Golden Leafhopper		
Cicadellidae	<i>Sanctahelenia decellei</i>	Gumwood Leafhopper		
Cicadellidae	<i>Sanctahelenia insularis</i>	False Gumwood Leafhopper		
Cicadellidae	<i>'Atlantisia' leleupi</i>	Scrubwood Leafhopper		
Cicadellidae	<i>'Chlorita' edithae</i>			
Cicadellidae	<i>Nyhimbricus wollastoni</i>			

Family	Scientific Name	Local Name	Global Name	International Designation
Pseudococcidae	<i>Ripersiella mediatlantica</i>	St Helena Mealybug		
Saldidae	<i>Helenasaldula aberrans</i>	St Helena Shore Bug		
Pentatomidae	<i>Macrorhaphis wollastoni</i>	Brown Shield Bug		
Berytidae	<i>Plyapomus longus</i>	Wingless Stilt Bug		
Berytidae	<i>Metacanthus concolor</i>	Winged Stilt Bug		
Reduviidae	<i>Napoleon vinctus</i>	Napoleon Bug		
Nabidae	<i>Vernonia wollastoniana</i>	Wollaston's Bug		
Nabidae	<i>Kerzhneria hirsuta</i>	Kerzhner's Bug		
Anthocoridae	<i>Lasiochilus contortus</i>			
Miridae	<i>Agrametra aethiops</i>			
Miridae	<i>Neisopsallus lutosus</i>			
Miridae	<i>Naresthus hebes</i>			
Miridae	<i>Lopsallus flavosparsus</i>			
Miridae	<i>Hirtopsallus suedae</i>	Samphire Bug		
Miridae	<i>Insulopus asteri</i>	Aster Bug		
Miridae	<i>Oligobiella fuliginea</i>			
Miridae	<i>Helenocoris horridus</i>	Horrid Bug		
Glyphipterygidae	<i>Glyphipteryx semilunaris</i>			
Gracillariidae	<i>Phyllonorycter aurifascia</i>			
Hepialidae	<i>Eudalaca sanctahelena</i>			
Lyonethiidae	<i>Leucoptera auronivea</i>			
Momphidae	<i>Stagmatophora trifasciata</i>			
Noctuiidae	<i>Cardepiasubvelata</i>			

Family	Scientific Name	Local Name	Global Name	International Designation
Noctuidae	<i>Herminia rectalis</i>			
Oecophoridae	<i>Schiffermuelleri a pictipennis</i>			
Oecophoridae	<i>Schiffermuelleri a splendidula</i>			
Pterophoridae	<i>Agdistis sanctae-helenae</i>	St Helena Plume Moth		
Pterophoridae	<i>Agdistis marionae</i>	Marion's Moth		
Pterophoridae	<i>Platyptilia subnotata</i>			
Pyalidae	<i>Homoeosoma privata</i>			
Crambidae	<i>Helenoscoparia helenensis</i>			
Crambidae	<i>Helenoscoparia lucidalis</i>			
Crambidae	<i>Helenoscoparia scintillulalis</i>			
Crambidae	<i>Helenoscoparia transversalis</i>			
Crambidae	<i>Zovax whiteheadii</i>			
Chthoniidae	<i>Tyrannochthoni us helenae</i>			
Garypinidae	<i>Hemisolinus helenae</i>			
Withiidae	<i>Scotowithius helenae</i>			
Withiidae	<i>Sphallowithius excelsus</i>			
Withiidae	<i>Sphallowithius inhonestus</i>			
Oonopidae	<i>Oonops erinaceus</i>			
Tetrameleidae	<i>Tetramele helenense</i>			
Gnaphosidae	<i>Pterochroa funerea</i>			
Miturgidae	<i>Tecution planum</i>			
Miturgidae	<i>Tecution mellissi</i>			
Miturgidae	<i>Tecution helenicola</i>			

Family	Scientific Name	Local Name	Global Name	International Designation
Miturgidae	<i>Cheiracanthium wilma</i>			
Thomisidae	<i>Bonapruncinia sanctaehelenae</i>			
Salticidae	<i>Myrmarachne isolata</i>			
Salticidae	<i>Paraheliophanus subinstructus</i>			
Salticidae	<i>Paraheliophanus</i>			
Salticidae	<i>Paraheliophanus napoleon</i>			
Salticidae	<i>Pellenes inexcultus</i>			
Salticidae	<i>Pellenes perexcultus</i>			
Lycosidae	<i>Lycosa elysae</i>			
Lycosidae	<i>Lycosa ringens</i>			
Lycosidae	<i>Dolocosa dolosa</i>			
Lycosidae	<i>Hogna nefasta</i>	Prowling Wolf Spider		
Lycosidae	<i>Hogna cinica</i>			
Lycosidae	<i>Lycosidae sp. indet. 3</i>	Prosperous Bay Plain Mole Spider		
Mysmenidae	<i>Mysmena isolata</i>			
Theridiidae	<i>Argyrodes mellissi</i>			
Theridiidae	<i>Theridion solium</i>			
Theridiidae	<i>Zercidium helenense</i>			
Nesticidae	<i>Nesticella helenensis</i>			
Linyphiidae	<i>Leptyphantes albimaculatus</i>			
Linyphiidae	<i>Bathypantes helenae</i>			
Linyphiidae	<i>Bathypantes gracilipes</i>			
Linyphiidae	<i>Napometa sanctaehelenae</i>			

Family	Scientific Name	Local Name	Global Name	International Designation
Linyphiidae	<i>Napometa trifididens</i>			
Geophilidae	<i>Tuoba benoiti</i>	Benoit's Centipede		
Cryptopidae	<i>Cryptops basilewskyi</i>	Basilewsky's Centipede		
Henicopidae	<i>Lamyctes leleupi</i>			
Armadillidiidae	<i>Pseudo diploexochus</i>			
Armadillidiidae	<i>Pseudo diploexochus</i>			
Armadillidiidae	<i>Pseudo diploexochus insularis</i>			
Armadillidiidae	<i>Pseudo diploexochus tabularis</i>			
Armadillidiidae	<i>Pseudolaureola atlantica</i>	Spiky Yellow Woodlouse		
Janiridae	<i>Iais aquilei</i>			
Philosciidae	<i>Littorophiloscia alticola</i>			
Cyprididae	<i>Herpetocypris helenae</i>			
Talitridae	<i>Paltorchestia ashmoleorum</i>			
Macrostromidae	<i>Macrostromum parmum</i>			
Procerodidae	<i>Dinizia sanctaehelenae</i>			
Procerodidae	<i>Tryssosoma jennyae</i>			
Trichostrongylidae	<i>Amphibiophilus sanctaehelenae</i>			
Vertiginidae	<i>Nesopupa turtoni</i>	Turton's Snail		
Vertiginidae	<i>Campolaemus perexilis</i>			
Pupillidae	<i>Pupa obliquicostata</i>			
Subulinidae	<i>Chilonopsis nonpareil</i>			
Subulinidae	<i>Chilonopsis nonpareil</i>			

Family	Scientific Name	Local Name	Global Name	International Designation
Subulinidae	<i>Chilonopsis subtruncatus</i>			
Subulinidae	<i>Chilonopsis melanooides</i>			
Subulinidae	<i>Chilonopsis subplicatus</i>			
Subulinidae	<i>Chilonopsis exulatus</i>			
Subulinidae	<i>Chilonopsis turtoni</i>			
Subulinidae	<i>Chilonopsis helena</i>			
Subulinidae	<i>Chilonopsis blofeldi</i>	Blofeld's Snail		
Charopidae	<i>Helenoconcha relictia</i>			
Charopidae	<i>Helenodiscus bilamellata</i>			
Charopidae	<i>Helenoconcha polyodon</i>			
Charopidae	<i>Helenoconcha biplicata</i>			
Charopidae	<i>Helenoconcha cutteri</i>			
Charopidae	<i>Helenoconcha pseustes</i>			
Charopidae	<i>Helenoconcha minutissima</i>			
Charopidae	<i>Helenoconcha leptalea</i>			
Charopidae	<i>Pseudo helenoconcha spurca</i>	Shitty Snail		

PART 2 - PLANTS

Family	Scientific Name	Local Name	Global Name	International Designations
Terrestrial Plants				
Liverworts				
Acrobolbaceae	<i>Tylimanthus anisodontus</i>			
Cephaloziellaceae	<i>Cylindrocolea sanctae-</i>			

Family	Scientific Name	Local Name	Global Name	International Designations
Lejeuneaceae	<i>Cololejeunea sanctae-</i>			
Lejeuneaceae	<i>Colura calyptrifolia</i>			
Lejeuneaceae	<i>Colura tenuicornis</i>			
Lejeuneaceae	<i>Lejeunea sanctae-</i>			
Lejeuneaceae	<i>Marchesinia brachiata</i>			
Lepidoziaceae	<i>Kurzia nemoides</i>			
Pleuroziaceae	<i>Pleurozia gigantea</i>			
Scapaniaceae	<i>Anastrophyllum subcomplicatu</i>			
	<i>Cheilolejeunea ascensionis</i>			
	<i>Cheilolejeunea microscypha</i>			
	<i>Cheilolejeunea rotalis</i>			
	<i>Cololejeunea diana</i>			
	<i>Cololejeunea grossestylis</i>			
Hornworts				
Dendrocerotaceae	<i>Dendroceros adglutinatus</i>			
Mosses				
Bartramiaceae	<i>Philonotis</i>			
Brachytheciaceae	<i>Sainthelenia</i>			
Daltoniaceae	<i>Daltonia splachnoides</i>			
Entodontaceae	<i>Entodon dregeanus</i>			
Fissidentaceae	<i>Fissidens chioneurus</i>			
Funariaceae	<i>Physcomitrium flexifolium</i>			
Hypnaceae	<i>Hypnum cupressiforme</i>			
Hypnaceae	<i>Hypnum lacunosum</i>			
Pilotrichaceae	<i>Lepidopilidium crispifolium</i>			

Family	Scientific Name	Local Name	Global Name	International Designations
Pottiaceae	<i>Pseudocrossidium crinitum</i>			
Sphagnaceae	<i>Sphagnum helenicum</i>			
	<i>Fissidens curvatus</i> subsp. <i>sanctae-helenae</i>			
	<i>Fissidens reimersii</i>			
	<i>Fissidens translucens</i>			
	<i>Lophocolea humistrata</i>			
	<i>Macromitrium urceolatum</i>			
	<i>Philonotis helenica</i>			
	<i>Sematophyllum erythrocaulon</i>			
	<i>Sematophyllum helenicum</i>			
Club Mosses				
Lycopodiaceae	<i>Huperzia saururus</i>	Large Buck's Horn	Club Moss	
Vascular				
Ferns				
Aspleniaceae	<i>Asplenium platybasis</i> var.	Sickle Fern		
Aspleniaceae	<i>Ceterach haughtonii</i>	Barn Fern	Barn Fern	
Dryopteridaceae	<i>Dryopteris cognata</i>	Large Kidney Fern, Greater	Kidney Fern	
Dryopteridaceae	<i>Dryopteris napoleonis</i>	Small or Lesser Kidney	Kidney Fern	
Elaphoglossaceae	<i>Elaphoglossum conforme</i>	Common Tongue-Fern		
Elaphoglossaceae	<i>Elaphoglossum dimorphum</i>	Toothed Tongue-Fern		
Elaphoglossaceae	<i>Elaphoglossum furcatum</i>	Mossy Fern		
Elaphoglossaceae	<i>Elaphoglossum nervosum</i>	Veined Tongue-Fern		
Grammitidaceae	<i>Grammitis ebenina</i>	Dwarf Tongue-Fern;	Grammitis	
	<i>Asplenium compressum</i>	Plastic Fern		

Family	Scientific Name	Local Name	Global Name	International Designations
	<i>Dicksonia arborescens</i>	Tree-Fern		
	<i>Diplazium filamentosum</i>	Black-Scale Fern		
	<i>Pseudophegopteris diana</i>	Brown-Scale Fern		
	<i>Pteris paleacea</i>	Lays Back Fern		
	<i>Asplenium aethiopicum</i>	Parsley Fern		
	<i>Asplenium lunulatum</i>	Hen and Chicks Fern		
	<i>Pteris dentata ssp. flabellata</i>	Comb Fern		
		Sickle Fern		
	<i>Cheilanthes multifida</i>	Crevice Fern		
	<i>Hypolepis villosa-viscida</i>	Sticky Fern		
	<i>Pleopeltis macrocarpa</i>	Dotted Tongue-Fern		
	<i>Hymenophyllum capillaceum</i>	St. Helena Filmy Fern		
	<i>Ophioglossum polyphyllum</i>	Lily fern		
Flowering Plants				
Monocotyledons				
Cyperaceae	<i>Bulbostylis neglecta</i>	Neglected Sedge	Neglected Tuft Sedge	
Cyperaceae	<i>Bulbostylis lichtensteiniana</i>	Tufted Sedge		
Cyperaceae	<i>Carex diana</i>	Diana's Peak Grass		
Poaceae	<i>Eragrostis episcopus</i>	Cliff Hair Grass		
Poaceae	<i>Eragrostis saxatilis</i>	Hair Grass		
Poaceae	<i>Panicum joshuae</i>	Pat's Grass, Rock Millet	Millet	
Dicotyledons				
Euphorbiaceae	<i>Acalypha rubrinervis</i>	Stringwood	St Helena Stringwood	
Apiaceae	<i>Berula burchellii</i>	Dwarf Jellico	St Helena Dwarf Jellico	

Family	Scientific Name	Local Name	Global Name	International Designations
Apiaceae	<i>Berula bracteata</i>	Jellico		
Nyctaginaceae	<i>Commicarpus helenae</i>	Hogweed		
Asteraceae	<i>Commidendrum gummiferum</i>	Cluster Leafed Gumwood		
Asteraceae	<i>Commidendrum robustum</i>	Gumwood	St Helena Gumwood	
Asteraceae	<i>Commidendrum</i>	Bastard Gumwood	St Helena Bastard	
Asteraceae	<i>Commidendrum spurium</i>	False Gumwood	St Helena False	
Asteraceae	<i>Commidendrum rugosum</i>	Scrubwood		
Euphorbiaceae	<i>Euphorbia heleniana</i>	French Grass, St. Helena		
Frankeniaceae	<i>Frankenia portulacifolia</i>	Tea Plant	St Helena Tea Plant	
Boraginaceae	<i>Heliotropium pannifolium</i>	Heliotrope	St Helena Heliotrope	
Moluginaceae	<i>Hypertelis acida</i>	Salad Plant	St Helena Salad Plant	
Asteraceae	<i>Lachanodes arborea</i>	She Cabbage	St Helena She Cabbage	
Asteraceae	<i>Melanodendron integrifolium</i>	Black Cabbage	St Helena Black	
Solanaceae	<i>Mellissia begoniifolia</i>	Boxwood	St Helena Boxwood	
Rhamnaceae	<i>Nesiota elliptica</i>	Olive	St Helena Olive	
Rubiaceae	<i>Nesohedyotis arborea</i>	Dogwood	St Helena Dogwood	
Geraniaceae	<i>Pelargonium cotyledonis</i>	Old-Father-Live-Forever	Old-Father-Live-Forever	
Asteraceae	<i>Petrobium arboretum</i>	Whitewood	St Helena Whitewood	
Rhamnaceae	<i>Phylica polifolia</i>	Rosemary	St Helena Rosemary	
Asteraceae	<i>Pladaroxylon leucadendron</i>	He Cabbage	St Helena He Cabbage	
Plantaginaceae	<i>Plantago robusta</i>	Plantain	St Helena Plantain	
Zygophyllaceae	<i>Tribulus cistoides</i>	Sand Caltrop, Devils Thorn,	Sand Caltrop	
Malvaceae	<i>Trochetiopsis ebenus</i>	Dwarf Ebony	St Helena Dwarf Ebony	

Family	Scientific Name	Local Name	Global Name	International Designations
Malvaceae	<i>Trochetiopsis erythoxylon</i>	Redwood	St Helena Redwood	
Malvaceae	<i>Trochetiopsis melanoxylon</i>	Ebony	St Helena Ebony	
Campanulaceae	<i>Wahlenbergia angustifolia</i>	Small bellflower		
Campanulaceae	<i>Wahlenbergia burchellii</i>	Burchell's Bellflower	Burchell's Bellflower	
Campanulaceae	<i>Wahlenbergia linifolia</i>	Large Bellflower	St Helena Large	
Chenopodiaceae	<i>Chenopodium helense</i>	Goosefoot		
Aizoaceae	<i>Hydrodea cryptantha</i>	Babies toes		
Asteraceae	<i>Osteospermum sanctae-</i>	Boneseed		
Campanulaceae	<i>Trimeris scaevolifolia</i>	Lobelia		

MARINE REGULATIONS (TOURISM AND INTERACTION WITH MARINE LIFE), 2023

In exercise of the powers conferred by sections 11 of the Environmental Protection Ordinance, 2016, the Governor on the advice of the Executive Council makes the following Regulations:

Citation

1. These Regulations may be cited as the Marine Regulations (Tourism and Interaction with Marine Life), 2023.

Interpretation

2. For the purposes of these Regulations—
“**accreditation certificate**” means a certificate awarded pursuant to regulation 3;
“**codes of practice**” mean the codes of practice in accordance with section 12;
“**licence**” means a licence granted in accordance with regulation 6 but does not include a licence referred to in regulation 9;
“**Master**” means the person for the time being in command or in charge of a vessel; and
“**regulated activity**” means an activity specified in regulation 5.

Accreditation

3. If the Chief Environmental Officer is satisfied that a person has completed a form of study approved under the codes of practice by which the person is taught to interact with marine wildlife in a manner considered appropriate by the Chief Environmental Officer, the Chief Environmental Officer may award the person with a certificate which—

- (a) bears the signature of the Chief Environmental Officer; and
- (b) confirms that the person is trained to interact with marine wildlife.

Prohibited

4. Any activity which is determined by the Chief Environmental Officer to unreasonably harm or cause any form of detriment to marine life is prohibited and further to the foregoing, any activity which purposefully interacts with wildlife in the marine environment that is not regulated by these Regulations is prohibited.

Regulated activities in a marine protected area

5. (1) For purpose of the conservation and management of a marine protected area and further to regulation 4, a person may only perform or participate in an activity which is planned or intended for viewing or interacting with wildlife in the natural habitat of the wildlife, within a marine protected area which is regulated and prescribed to be a regulated activity.

- (2) A regulated activity includes but is not limited to—
- (a) scuba diving, snorkelling, swimming and free diving;
 - (b) scenic or coastal touring by boat; or
 - (c) wildlife viewing or interaction touring by boat.

(3) For the purpose of regulation 4 and sub-regulation (1) and (2), fishing in compliance with the Fisheries Ordinance 2021 is not a regulated activity and is not prohibited under

these Regulations.

(4) If the Chief Environmental Officer considers it necessary for compatibility with the goals and objectives of the Marine Management Plan, the Chief Environmental Officer may, by notice published in the Gazette—

- (a) declare any activity other than that specified in sub-regulation (2) to be a regulated activity; or
- (b) declare that an activity is not a regulated activity or that an activity is no longer a regulated activity.

(5) A notice under sub-regulation (4) may specify a period of time for the duration of which an activity is considered, under these Regulations, to be a regulated activity.

Requirement for licence

6. (1) A person—

- (a) who, for payment or reward, conducts or facilitates a regulated activity, whether by vessel or by leading a tour from shore, must be licenced in accordance with these Regulations and must apply for a licence in the manner specified by the Chief Environmental Officer by Notice published in the Gazette; and
- (b) must not for payment or reward, conduct or facilitate any regulated activity without a valid licence.

(2) A person making an application under sub-regulation (1) must be at least 18 years of age.

(3) The Chief Environmental Officer may, if satisfied that a person making an application under this regulation meets the requirements set out in sub-regulation (5), grant a licence to the person and may impose conditions relating to the licence which may include but which are not limited to the inclusion of, a requirement for observing and monitoring data in respect of the area to which the licence refers and submitting a log of such data to the Chief Environmental Officer.

(4) An application for a licence must be accompanied by the prescribed fee and the prescribed licence fee must be paid upon the grant of the licence.

(5) The Chief Environmental Officer must not grant a licence unless the Chief Environmental Officer is satisfied that—

- (a) the person applying for a licence holds a valid accreditation certificate; and
- (b) the access to recreation within the marine protected area sought under the application is compatible with any applicable prescribed management plan.

(6) A licence—

- (a) is valid for a period of one year;
- (b) is subject to any conditions imposed by the Chief Environmental Officer under sub-regulation (3);
- (c) may specify the activities that are authorised under the licence; and
- (d) must specify—
 - (i) the name and address of the licence holder;
 - (ii) the registered master of a vessel to which the licence applies;
 - (iii) details of any vessel that the licence holder may use to carry out specified activities; and
 - (iv) the dates in respect of which the licence is valid.

(7) The Chief Environmental Officer may vary, amend or revoke a licence, or any conditions attached to such licence, upon breach of a licence condition or upon the commission of an offence under these regulations or for any other reason the Chief Environmental Officer considers necessary or expedient to ensure the objectives of the Marine Management Plan are achieved.

(8) If a licence is revoked under sub-regulation (7), the Chief Environmental Officer may preclude the person from obtaining any licence either indefinitely or for a set period of time and may impose further restrictions on any such licence granted in the future.

Appeal

7. A person may appeal a decision of the Chief Environmental Officer made pursuant to these regulations in the manner prescribed under section 10.

Marine Recreation Notices

8. (1) The Chief Environmental Officer may, if the Chief Environmental Officer considers it necessary for the management of a Marine Protected Area, issue a notice regulating tourism and recreation activities by—

- (a) specifying the manner in which a person is required to act when interacting with marine species, including but not limited to—
 - (i) the minimum distance that must be maintained between a person and a specified marine species,
 - (ii) the minimum distance that must be maintained between a vessel and a specified marine species,
 - (iii) the maximum number of persons permitted to interact with a specified species in specific circumstances,
 - (iv) the maximum duration of any single interaction with a marine species;
- (b) creating a temporal prohibition on interaction with any specified marine species during any specified period; or
- (c) creating a spatial prohibition on interaction in specified areas.

(2) A notice issued under sub-section (1) may have effect immediately upon being made but must, as soon as reasonably practicable be published in the Gazette and the Chief Environmental Officer must serve a copy of such notice to all persons with a valid licence granted under these Regulations.

Diving, free diving or snorkelling with specified species prohibited

9. Further to regulation 4 and 5 a person must not knowingly and intentionally—

- (a) scuba dive with whale sharks, otherwise than in accordance with a licence granted under section 25; or
- (b) scuba dive, snorkel or free dive with whales, dolphins or porpoises, otherwise than in accordance with a licence granted under section 25.

Criminal offence provisions

10. (1) A person who contravenes regulation 4 commits an offence.
Penalty in accordance with section 109(4).

(2) A person who for payment or reward, conducts or facilitates a regulated activity referred to in regulation 5, whether by vessel or by leading a tour from shore in contravention of regulation 6(1)(b) commits an offence.
Penalty in accordance with section 109(4).

(3) A person who fails to comply with a condition of a licence commits an offence.
Penalty in accordance with section 109(4).

(4) A person who falsely holds themselves out as having a valid licence commits an offence.
Penalty in accordance with section 109(4).

(5) A person who participates in any activities in contravention of a notice issued under regulation 8(1), commits an offence.
Penalty in accordance with section 109(4).

(6) A person who scuba dives, snorkels or free dives with any species in contravention of the prohibition in regulation 9 commits an offence.
Penalty in accordance with section 109(4).

(7) Subject to sub-regulation (8), it is a defence to a charge of committing an offence under sub-regulation (4) and under sub-regulation (5) to prove that the defendant took all reasonable steps and exercised all due diligence to avoid committing the offence.

(8) For the purpose of sub-regulation (6) “reasonable steps” include applying or following any relevant code of practice.

(9) If a defence provided by sub-regulation (6) involves an allegation that the commission of the offence was due to the act or default of another person, the person charged is not, without leave of the court, entitled to rely on the defence unless, within a period ending seven clear days before the hearing, the person has served upon the prosecutor a notice giving any information identifying or assisting in the identification of the other person as was then in the possession of the person charged.

(10) The master of a vessel engaged in any activity that constitutes an offence under these regulations, may be found liable for that offence, in addition to any liability to which any other person is subject, if that activity was performed with the master’s knowledge, consent or acquiescence, or if the master did not exercise reasonable diligence to prevent the commission of that offence.

SCHEDULE

FEEs (Regulation 6)

(a) Application fee - £20

(b) Licence fee - £100

ENVIRONMENTAL PROTECTION ORDINANCE, 2016

SPEAR GUNS CONTROL ORDER, 2014

(Section 3 of the Spear Guns Control Ordinance, 2014)

Citation

1. This Order may be cited as the Spear Guns Control Order, 2014.

Prohibited areas

2. The areas set out in the Schedule are prohibited areas for purposes of the Spear Guns Control Ordinance, 2014.

SCHEDULE

(Para. 2)

PROHIBITED AREAS

Area	Description
(1) Jamestown Harbour	All that area of coastal water enclosed by a line commencing at the edge of the Wharf by the middle landing steps thence along a line due west at 270° for 50 metres to an unmarked point thence due north for approximately 150 metres to a second unmarked point thence along a line at 090° due east for approximately 75 metres to a rock known as The Needles Eye thence in a generally southerly direction along the cliff edge of the Wharf to the starting point.
(2) Lemon Valley	All that area of coastal water comprised within a radius of 50 metres from the landing place.
(3) Between and including Long Ledge and Billy May's Revenge	All that area of coastal water enclosed by a line commencing at a point off the shoreline 495 metres (on a bearing of 228°) from Red Rock, thence along a bearing 320° for 350 metres, thence along a bearing of 235° for 700 metres, thence along a bearing of 165° for approximately 300 metres (to a point off the shoreline approximately ten metres to the South West of Billy May's Revenge) thence in a generally North Easterly direction along the shoreline back to the starting point.
(4) Ruperts Bay	All that area of coastal water comprised within a radius of 50 metres from the beach.
(5) Sites of historic wrecks	All that area of water which falls within a " restricted area " as determined under the Protection of Wrecks and Marine

Archaeological Heritage Ordinance, 2014.
