



ST HELENA

REVISED EDITION OF THE LAWS, 2017

ENVIRONMENT AND NATURAL RESOURCES

NATIONAL PARKS ORDINANCE, 2003¹

*Ordinance 14 of 2003
Not in force at 1 April 2017*

Amended by Ordinance 2 of 2008

No subsidiary legislation to 1 November 2017²

NATIONAL PARKS ORDINANCE, 2003

ARRANGEMENT OF SECTIONS

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AN ORDINANCE to provide powers to permit the establishment of parks, nature reserves, sanctuaries and areas of historical interest, and generally for the conservation of the natural environment and ecology of St Helena and for connected purposes.

Short title and commencement

1. This Ordinance may be cited as the National Parks Ordinance, 2003 and

¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

² The Diana's Peak National Park Proclamation, 1996 made under the Land Planning & Development Control Ordinance (Cap. 66) was saved by the Land Planning & Development Control Ordinance, 2008 which repealed Cap. 66. However, it was not further saved by the Commencement Notice for the Building Control Ordinance, 2013 which repealed the 2008 Ordinance and has therefore lapsed.

comes into force on a date the Governor appoints by notice in the *Gazette*.

Interpretation

- 2.** In this Ordinance, unless the context otherwise requires—
- “**area of historical interest**” means an area declared to be of historical interest under section 3;
- “**court**” means the Magistrates’ Court;
- “**development**” includes any change in use, the erection of any structure and the carrying out of any drainage, dredging or sewerage scheme, and any other activities prescribed by the Governor in Council by order;
- “**national park**” means a national park established under section 3;
- “**nature reserve**” means a nature reserve established under section 3;
- “**private land**” means any land the title to which is vested in any person other than the Crown or the Government of St Helena;
- “**sanctuary**” means a sanctuary established under section 3.

Declaration of national parks, etc.

- 3.** The Governor in Council may by order declare any area in St Helena, including any part of the territorial waters, to be—
- (a) a national park;
 - (b) a nature reserve;
 - (c) a sanctuary;
 - (d) an area of historical interest.

Usage of national parks, etc.

- 4.** (1) Subject to any regulations relating to any particular national park or nature reserve —
- (a) an area which is designated as a national park must be open to members of the public for recreational use, including camping, fishing and sailing;
 - (b) an area which is designated as a nature reserve may be used for agricultural, arboricultural, piscicultural, sporting and recreational purposes, subject to any restrictions that are prescribed as being desirable to ensure a proper balance in the natural ecology of the area.

(2) The declaration of an area as a sanctuary must be made primarily for the purpose of the protection of the natural ecology, or of any particular form of living organism (including any marine life), in the area, and the avoidance of disturbance of the area by human activity, either at any time or at particular times according to the circumstances and the form of life which it is desired to protect.

(2A) Entry into a sanctuary is not permitted except in accordance with any regulations made in respect of the sanctuary and no person may carry out any development in a sanctuary.

(3) The declaration of an area of historical interest must be primarily for the purpose of protecting an object of historical interest in the area.

(3A) An area of historical interest may form part of a national park, nature reserve or sanctuary, and in such case is subject to those provisions of this section and any regulations that are applicable to that park, reserve or sanctuary. In the case of any other area of historical interest, the public must have access to the area, or to any object of interest in it, during times and subject to conditions prescribed by regulations applicable to that area.

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

5. If private land is included in any area which has been declared to be a national park, a nature reserve, a sanctuary or an area of historical interest and the Governor in Council does not consider that it is necessary for the purpose to which the declaration relates to acquire such land under the Land Acquisition Ordinance, 2006, persons entitled to any interest in the private land are entitled to receive compensation from the Government for the diminution, if any, in the value of their interest consequential upon any restrictions imposed on their use of the land by reason of such declaration.

Restriction on certain activities harmful to the ecology

- 6. (1)** If the Governor in Council is satisfied that—
- (a) it is, or is likely to become, necessary for the prevention of the pollution of, or any other harmful or disturbing effect or influence on, the natural ecology of any national park, nature reserve or sanctuary; or
 - (b) the preservation of any particular form of living organism (including vegetable or marine life) in any part of St Helena so requires,

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

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

Enforcement

- 7. (1)** It is an offence for a person to—
- (a) fail to comply with any restriction imposed by an order made under section 6; or
 - (b) enters any sanctuary without authority.

Penalty: A fine of £20,000 or 12 months imprisonment, or both.

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

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

Regulations

8. (1) The Governor in Council may make regulations for carrying into effect the purposes and provisions of this Ordinance. Without limiting that power, such regulations may provide—

- (a) for the control and management of national parks, nature reserves, sanctuaries and areas of historical interest;
- (b) for the conditions subject to which members of the public are permitted to enter and use any national park, nature reserve or area of historical interest, and for the issue of licences to permit persons to enter any national park, nature reserve, sanctuary or area of historical interest for any particular purpose;
- (c) for the regulation and control or prohibition of any hunting or fishing in or the removal of any living organism or any substance from any national park, nature reserve, sanctuary or area of historical interest;
- (d) for the appointment of persons as wardens and for the conferring on such wardens of powers to enforce the regulations;
- (e) that a contravention of a provision of the regulations constitutes an offence and for a penalty on conviction in respect of such contravention not exceeding—
 - (i) a fine of £20,000 or imprisonment for 12 months, or both; and
 - (ii) in the case of a continuing offence, a fine of £50 for every day or part of a day on which the offence continues;
- (f) power for a court to order a person convicted of an offence referred to in paragraph (e) to pay the cost of repairing any damage to a national park, nature reserve, sanctuary or area of historical interest caused by the commission of the offence;
- (g) power for a warden, a police officer or a sea fishery officer to arrest without warrant any person whom such warden or officer, as the case may be, reasonably suspects to be committing, to have committed or to be about to commit an offence against this Ordinance or the regulations, and for the seizure and forfeiture to the Crown of any article used in the commission of any such offence or alleged offence;
- (h) for the imposition of fees and charges in respect of any matter with regard to which provision is made in the regulations or in this Ordinance.

(2) In this section, “**sea fishery officer**” has the meaning given to that term by the Fishery Limits Ordinance, 1977.
