

ASCENSION

REVISED EDITION OF THE LAWS, 2017

ENVIRONMENT AND NATURAL RESOURCES

NATIONAL PROTECTED AREAS ORDINANCE, 2003¹

Ordinance A2 of 2003

In force 31 March 2003

Amended by Ordinances A4 of 2017, A4 of 2019 and A3 of 2021

Subsidiary legislation:

GREEN MOUNTAIN NATIONAL PARK REGULATIONS, 2010 *Page 7*

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NATIONAL PROTECTED AREAS ORDINANCE, 2003

ARRANGEMENT OF SECTIONS

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AN ORDINANCE to provide powers to permit the establishment of National Parks, Nature Reserves, Sanctuaries, Marine Protected Areas and Areas of Historical Interest and generally

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 July 2021.

for the conservation of the natural environment and ecology of Ascension and for connected purposes.

Short title

1. This Ordinance may be cited as the National Protected Areas Ordinance, 2003.

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**”² includes any change in use of land, the erection of any structure and the carrying out of any drainage or sewerage scheme, dredging otherwise than for the purpose of mining (but excludes any such dredging as may be authorised under the Harbours (Ascension) Ordinance 2005); and any other activities prescribed by the Governor by regulations;
 - “**exclusive economic zone**” means the Ascension maritime zone that extends 200 nautical miles from the nearest points of the baseline from which the breadth of the territorial sea adjacent to the island of Ascension is measured as established by Proclamation dated 13 July 2017;³
 - “**fisheries protection officer**” has the meaning assigned to it by the Fisheries (Conservation and Management) Ordinance, 2015;
 - “**marine protected area**” or “**MPA**” means any marine geographical area that is afforded greater protection than the surrounding waters for biodiversity conservation or fisheries management purposes”;
 - “**minerals**”⁴ includes material, such as clay, sand, limestone, or other stone and any of the following—
 - (a) metalliferous minerals containing aluminium, antimony, arsenic, barium, bismuth, cadmium, calcium, cerium, chromium, cobalt, columbium, copper, iron, lead, lithium, magnesium, manganese, mercury, molybdenum, nickel, potassium, sodium, tantalum, tin, titanium, tungsten, vanadium, zinc, zirconium and all other substances of a similar nature to any of them, and all ores containing them and combinations of any of them with each other or with any other substance, excepting only those that occur in the form of precious minerals;
 - (b) combustible carbonaceous minerals, including—
 - (i) coal;
 - (ii) lignite, which includes brown coal which the Administrator may prescribe to be lignite if the estimated average ash content is so high or the estimated average thermal value is so low that such coal may properly be classed as lignite;
 - (c) other minerals, including those used for their abrasive or refractory qualities and asbestos, barytes, bauxite, china clay, gypsum, fuller’s earth, graphite,

² Definition of “development” substituted by Ord A3 of 2021

³ See L.N. A2/2017 and the St Helena and Dependencies (Territorial Sea) Order 1989 (SI 1989/1994).

⁴ Definition of “minerals” inserted by Ord A3 of 2021

laterite, marble, mica, mineral oils, nitrates, phosphates, pipeclay, pottery clay, potash, quartz crystals, salt, slate, soda, sulphur, talc and all other substances of a similar nature to any of them;

- (d) precious minerals, including—
- (i) precious stones and semi-precious stones including amber, amethyst, beryl, cat’s eye, chrysolite, garnet and all other semi-precious stones, whether of the same kind as those enumerated or not;
 - (ii) precious metals;
 - (iii) all radio-active minerals;

“mining”⁵ means any activity involving the extraction or exploitation of any non-living naturally occurring resource (including polymetallic nodules, minerals in any form and metal, oil, gas fossil, stone or other substances) found on, in, or under the seabed and includes such extraction or exploitation by dredging;

“mining-related activity”⁶ means any activity that is exploratory or otherwise preparatory in nature to any mining, and any activity that is incidental to or results from any mining;

“National Park” means a National Park established under section 3;

“Nature Reserve” means a Nature Reserve established under section 3;

“precious metals”⁷ means gold, silver, or metal of the platinoid group, in the unmanufactured state, all ores containing such metal, but not including ores containing any such metal in combination with another mineral where such metal cannot be worked apart from such mineral and the value of such metal is less than the cost of producing both the metal and the mineral;

“precious stones”⁸ means diamonds, emeralds, opals, rubies, sapphires, turquoises, and such other stones as may be prescribed to be precious stones for the purpose of this Ordinance;

“private land”⁹ ...

“Sanctuary” means a Sanctuary established under section 3;

“Special Protection Area”¹⁰ ...

Declaration of National Parks, etc.

3.11 The Governor may by order declare any area in Ascension, including any part of the exclusive economic zone, to be –

- (a) a National Park;
- (b) a Nature Reserve;
- (ba) a Marine Protected Area;
- (c) a Sanctuary; or
- (d) an Area of Historical Interest.

⁵ Definition of “mining” inserted by Ord A3 of 2021

⁶ Definition of “mining-related activity” inserted by Ord A3 of 2021

⁷ Definition of “precious metals” inserted by Ord A3 of 2021

⁸ Definition of “precious stones” inserted by Ord A3 of 2021

⁹ Definition of “private land” deleted by Ord. A3 of 2021

¹⁰ Definition of “Special Protection Area” deleted by Ord. A3 of 2021

¹¹ Section 3 amended by Ord. A4 of 2019

Purpose and use of National Parks, etc.

- 4.¹²** (1) Subject to any regulations made in respect of a National Park or a Nature Reserve –
- (a) the declaration of an area as a National Park must be made primarily for the purpose of conserving features of natural and/or historical interest, and –
- (i) an area which is designated as a National Park must be open to members of the public for agricultural, arboricultural, piscicultural or recreational use, including camping, fishing and sailing;
 - (ii) the Administrator may authorise the erection in the area of buildings, the construction of roads and any other development considered in keeping with the conservation of any features of natural and/or historical interest in the area;
 - (iii) in considering whether or not any such development as is mentioned in sub-paragraph (ii) is to be authorised in any particular case, the paramount consideration must be to limit such development to the minimum consistent with the reasonable access to and enjoyment of the area by members of the public;
- (b) the declaration of an area as a Nature Reserve must be made primarily for the purpose of maintaining a proper balance in the natural ecology of the area, and for that purpose, and –
- (i) an area which is designated as a Nature Reserve may be used for sporting and recreational purposes, subject to restrictions that are prescribed and which may be considered desirable to ensure a proper balance in the natural ecology of the area;
 - (ii) no building or other development is to be permitted on a Nature Reserve except as authorised by the Administrator and such authorisation must only be made for a building or other development which is required for one of the aforesaid uses which are permissible in a Nature Reserve.

(1A) Subject to any management plan or regulations made in respect of a protected area, the declaration of a marine protected area under section 3 must be made primarily for the purpose of protecting—

- (a) habitats, ecosystems and natural processes; and
- (b) biodiversity, at any level.

(1B) Mining and mining-related activities are prohibited within a marine protected area except as authorised by licence for scientific or research purposes in such circumstances as the Governor may prescribe.

(1C) Development is prohibited within a marine protected area except as authorised by the Administrator in accordance with section 5A.

(1D) The reference in subsection (1C) to development includes the laying and maintenance of submarine pipelines within a marine protected area, but does not apply to the laying and maintenance of submarine cables within a marine protected area beyond Ascension's territorial waters.

¹² Section 4 amended by Ord A3 of 2021

(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 naturally occurring living organism (including any vegetable or 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 must not be permitted except in accordance with any regulations made in respect of that 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.

(4) Such an area 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 which are applicable to that Park, Reserve or Sanctuary.

- (5) In the case of any other Area of Historical Interest –
- (a) the public are to have access to the area, or to any object of interest in the area, during such times and subject to such conditions as are prescribed by regulations applicable to that area; and
 - (b) no person may carry out any development in that area except as authorised by the Administrator.

Marine Protected Areas, Management Plans and Regulations

4A.¹³ (1) Subject to any regulations made in respect of a marine protected area (MPA) the protection and management of an MPA will be achieved by the implementation of a management plan devised in relation to that MPA.

(2) A management plan is a scheme for conserving, protecting, preserving or restoring the habitats, ecosystem, natural process or biodiversity, and the management measures must limit the disturbance of an area by human activity, either at any time or at particular times.

- (3) 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) notwithstanding 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 such measures may be taken by any person to avoid loss of human life or of property or injury to human life or to property as in the circumstances are expedient;
 - (c) the Conservation 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 such beacons, lights, buoys, or marks as the Conservation Officer considers necessary, the

¹³ Section 4A amended by Ord. A4 of 2019 and Ord A3 of 2021

boundaries of the marine protected area.

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

(5) Before a management plan prepared pursuant to this section can be considered suitable for implementation or be implemented, the management plan must be submitted to the Governor for approval and if the Governor, after consultation with the Island Council, is satisfied that the criteria in subsection (4) have been met, the Governor must approve, adopt and publish the management plan by notice in the Gazette¹⁴.

(6) Further to subsection (5) the adoption of a management plan by the Governor may be subject to any terms or conditions that the Governor, after consultation with the Island Council, may consider appropriate in the circumstances including, but not limited to, whether any funding necessary for the implementation of the management plan is available.

Provisions with respect to land in areas declared to be National Parks, etc.

5.¹⁵ ...

Provisions with respect to development in areas declared to be Marine Protected Areas

5A.¹⁶ (1) A person applying for authorisation to carry out development within a marine protected area must provide to the Administrator an assessment of the environmental impact of the proposed development and submit a plan setting out how the applicant will mitigate its impact.

- (2) The Administrator may authorise the development only if satisfied that to do so—
- (a) is compatible with the objectives set out in a management plan pertaining to the marine protected area, as published from time to time under section 4A; and
 - (b) will not otherwise materially negatively affect the habitats, ecosystems, natural processes or biodiversity of the marine protected area.

¹⁴ *Marine Protected Areas Management Plan published in Gazette Notice No. 52 of 12 March 2021.*

¹⁵ *Section 5 repealed by Ord A3 of 2021*

¹⁶ *Section 5A inserted by Ord. A3 of 2021*

(3) Before authorising any development under subsection (2), the Administrator must seek and take into account the advice of the Director of Conservation.

(4) A decision by the Administrator under this section must be published, together with the application to which it relates, on the public notice board and in such other manner as the Administrator may deem appropriate.

(5) A person who is dissatisfied with the decision of the Administrator under this section, and who is affected by that decision, may make written representations to the Governor within 14 days of the date of the decision being published under subsection (4).

(6) In response to written representations, the Governor may uphold or quash the Administrator's decision, and if the decision is quashed may give such procedural directions as are necessary in the circumstances.

Restriction on certain activities harmful to the ecology

- 6.¹⁷ (1) If the Administrator 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, Marine Protected Area, or Sanctuary; or
 - (b) the preservation of any particular form of living organism (including vegetable or marine life) in any part of Ascension or any part of the exclusive economic zone so requires,

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

- (2) ...

Enforcement

- 7.¹⁸ (1) It is an offence for a person to—
- (a) carry out any development in a National Park, Nature Reserve, Marine Protected Area, Sanctuary or Area of Historical Interest, except as authorised under section 4 (in respect of a National Park, Nature Reserve or Area of Historical Interest) or section 5A (in respect of a Marine Protected Area);
 - (ba) to carry out any mining or mining-related activity contrary to section 4(1B);
 - (b) fail to comply with any restriction imposed by an order made under section 6; or
 - (c) enter any Sanctuary without authority.

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

(2) The court before which any person is convicted of an offence under subsection (1) may order the demolition of any structure erected or the reinstatement of anything altered or removed in contravention of the provisions mentioned in that subsection, and in default of

¹⁷ Section 6 amended by Ord. A3 of 2021

¹⁸ Section 7 amended by Ord. A3 of 2021

compliance with any such order of the court, the Administrator 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.

Regulations

8.¹⁹ (1) The Governor may make regulations for carrying into effect the purposes and provisions of this Ordinance, and without limiting that power, such regulations may provide—

- (a) for the control and management of National Parks, Nature Reserves, Marine Protected Area, Sanctuaries and Areas of Historical Interest;
- (b) the conditions subject to which members of the public are to be permitted to enter and use any National Park, Nature Reserve, Marine Protected Area, or Area of Historical Interest, and for the issue of licences to permit persons to enter any National Park, Nature Reserve, Marine Protected Area, Sanctuary or Area of Historical Interest for any particular purpose;
- (c) for the regulation and control of prohibition of any hunting or fishing in or the removal of any living organism or any substance from any National Park, Nature Reserve, Marine Protected Area, 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 in respect of such contravention not exceeding—
 - (i) a fine of £20,000 or a term of imprisonment for 12 months or both; and
 - (ii) in the case of a continuing offence, a fine of £50 for every day or part of a day on which the offence continues;
- (f) power for a court to order a person convicted of an offence referred to in paragraph (e) to pay the cost of repairing any damage to a National Park, Nature Reserve, Marine Protected Area, Sanctuary or Area of Historical Interest caused by the commission of such offence;
- (g) power for a warden, a police officer or a fisheries protection officer to arrest without warrant any person whom such warden or officer, as the case may be, reasonably suspects to be committing, to have committed or to be about to commit an offence against the regulations or this Ordinance, and for the seizure or forfeiture to the Crown of any article used in the commission of any such offence or alleged offence;
- (h) for the imposition of fees and charges in respect of any matter with regard to which provision is made in the regulations or in this Ordinance.

(2) Regulations under subsection (1) may prescribe such matters for the whole, or a part or parts of, any National Park, Nature Reserve, Marine Protected Area, Sanctuary or Area of Historical Interest.

¹⁹ Section 8 amended by Ord. A3 of 2021

NATIONAL PROTECTED AREAS ORDINANCE, 2003

GREEN MOUNTAIN NATIONAL PARK REGULATIONS, 2010

(Section 8)

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Citation

1. These Regulations may be cited as the Green Mountain National Park Regulations, 2010.

Interpretation

2. In these Regulations, unless the context otherwise requires—
- “**animal or plant**” means any marine or land vertebrate or invertebrate or animal product, whether living or dead, and any marine or land plant whether living or dead;
- “**artifact**” means any human-made object that is of anthropological, historical or artistic value, including carvings and drawings in, or on, rock;
- “**camping zone**” means a zone established under regulation 5(1)(a);
- “**motor vehicle**” means any self-propelled wheeled vehicle, including a car, truck, motorcycle, scooter and all terrain vehicle;
- “**National Park**” means the area so declared and described in the national protected Areas Order, 2014;
- “**Park Warden**” means a person referred to in regulation 8(1), and includes (where the context so admits) a Deputy or Assistant Park Warden;
- “**parking zone**” means a zone established under regulation 5(1)(b);
- “**zone**” means a zone, access lane or right of way established under regulation 5.

Prohibitions

3. The following activities are prohibited, without prior permission of the Administrator or the Park Warden, within the National Park—
- (a) the taking of any animal or plant by any method;
 - (b) the taking of any artifact;
 - (c) the intentional or reckless destruction of, disturbance to, or damage or injury to, any animal, plant, or artifact;
 - (d) the taking of sand, soil or rock;

- (e) the dumping of refuse, chemicals, abandoned vehicles, toxic or other wastes, bilges, oil and other petroleum products, pesticides and other items harmful to animals or plants, or unsightly items;
- (f) the driving or riding of motor vehicles other than on public roads as defined in the Road Traffic Ordinance, 1984, or in a parking zone;
- (g) car parking except in a parking zone;
- (h) the making of fires other than in a portable stove or grill;
- (i) camping except in a camping zone or with the prior written approval of the Administrator or a Park Warden;
- (j) erecting any structure unless authorised in writing by the Administrator;
- (k) playing any musical instrument, radio, cassette player, record player, television or other item which produces or reproduces music, to the annoyance of other persons.

Acts done with lawful authority or reasonable excuse

4. Without limiting regulation 3, it is a defence for a person charged with an offence under these Regulations to prove that the person had lawful authority or reasonable excuse for carrying out the act charged.

Zones

5. (1) The Administrator may, by order published on the official notice board, establish within the National Park the following zones exclusively for the purposes permitted within such zones—

- (a) camping zones, where camping is permitted; and
- (b) parking zones, for the purpose of parking vehicles while in or in the vicinity of the National Park.

(2) The Administrator may, subject to any conditions specified by the Administrator, establish within the same area of the National Park all or any combination of the zones mentioned in sub-regulation (1).

Specimen and artifact collection

6. Notwithstanding regulation 3, the Administrator may grant an Artifact Collection Permit (in a form the Administrator from time to time determines) to any person to collect from the National Park—

- (a) animals, plants, sand or rock;
- (b) artifacts;

subject to any conditions specified in the permit relating to—

- (i) the use to which the collected material may be put;
- (ii) the maximum number of specimens or artifacts that may be so collected; or
- (iii) the prohibition or restriction of their export.

Fees

7. The Administrator may (by notice published on the official notice board) prescribe fees to be charged for any or all of the following—

- (a) for the issue of a permit pursuant to regulation 6;
- (b) for the granting of a written permission by the Administrator or the Park Warden.

Enforcement

8. (1) The Administrator must from time to time appoint a person to be the Park Warden, who (subject to the provisions of the Ordinance and these Regulations) is to have the control and management of the National Park.

(2) The Administrator may appoint a Deputy Park Warden and Assistant Park Wardens whenever he or she considers it appropriate to do so.

(3) The provision of these Regulations are to be enforced by the Park Warden or the Environmental Health Officer or a police officer, who each have the following powers—

- (a) to enter all parts of the National Park, for the purpose of preventing the commission of an offence under the Ordinance or any regulations made pursuant to it;
- (b) to arrest, without warrant, any person committing such an offence or whom the Park Warden or the Environmental Health Officer or a police officer reasonably suspects to be committing, to have committed, or be about to commit, such an offence; and
- (c) to seize any article, item or thing of whatever kind that he or she reasonably suspects has been used in the commission of such an offence and to detain the same until the determination of proceedings in respect of that offence.

Offences and penalties

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

(2) The court before which any person is convicted of an offence under this regulation may order—

- (a) the forfeiture to the Crown of any item, article or thing used in the commission of the offence;
- (b) that the person so convicted must pay the cost of repairing any damage to the National Park caused by the commission of the offence.

(3) An item, article or thing forfeited pursuant to sub-regulation (2)(a) must be destroyed, unless the Administrator directs that it be disposed of in some other specified manner.

NATIONAL PROTECTED AREAS ORDINANCE, 2003

NATIONAL PROTECTED AREAS ORDER, 2014

(Section 3)

Citation and commencement

1. This Order may be cited as the National Protected Areas Order, 2014, and comes into force on 28th July 2014

Certain areas to be National Protected Areas

2. (1) The area named and described in Part I of the Schedule is declared to be a National Park.

(2) The areas named and described in Part II of the Schedule are declared to be Nature Reserves.

(3) The area named and described in Part III of the Schedule is declared to be a Sanctuary.

(4) The area named and described in Part IV of the Schedule is declared to be an Area of Historical Interest.

Site plans

3. (1) The areas described in the Schedule are delimited on site plans designated, NP1, NR1-6, S1 and AH11, which may be inspected free of charge at the offices of the Conservation Department during normal working hours.

(2) In case of inconsistency between the description of an area in the Schedule and its delimitation on a site plan, the former is to prevail for all purposes of interpretation.

Revocation

4. The Green Mountain National Park Order, Cap. 20, is revoked.

SCHEDULE

(Article 2)

PART I

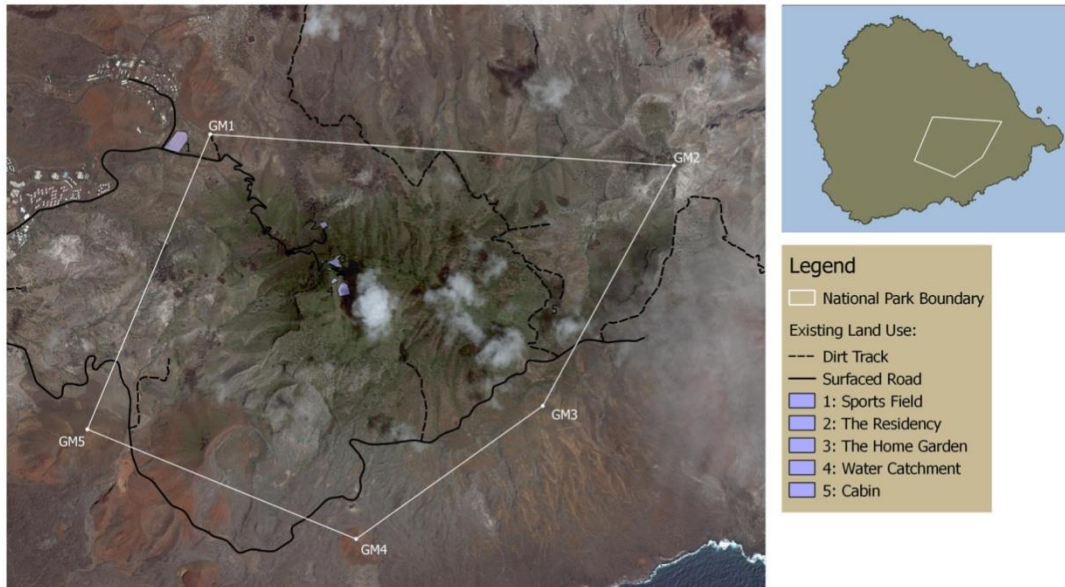
NATIONAL PARK

1. Green Mountain National Park:

An area bounded on the north by a straight line from Two Boats (N 9122332 E 570510) to the summit of Weather Post (N 9122079 E 574325); on the east by a straight line from Weather Post to the summit of Castle Hill (N 9120255 E 573301); on the south by a straight line from Castle Hill to South East Crater (N 9119021 E 571716) thence by a straight line to

the summit of Spoon Crater (N 9119911 E 569502); on the west by a straight line from Spoon Crater to Two Boats.

Site Plan NP1

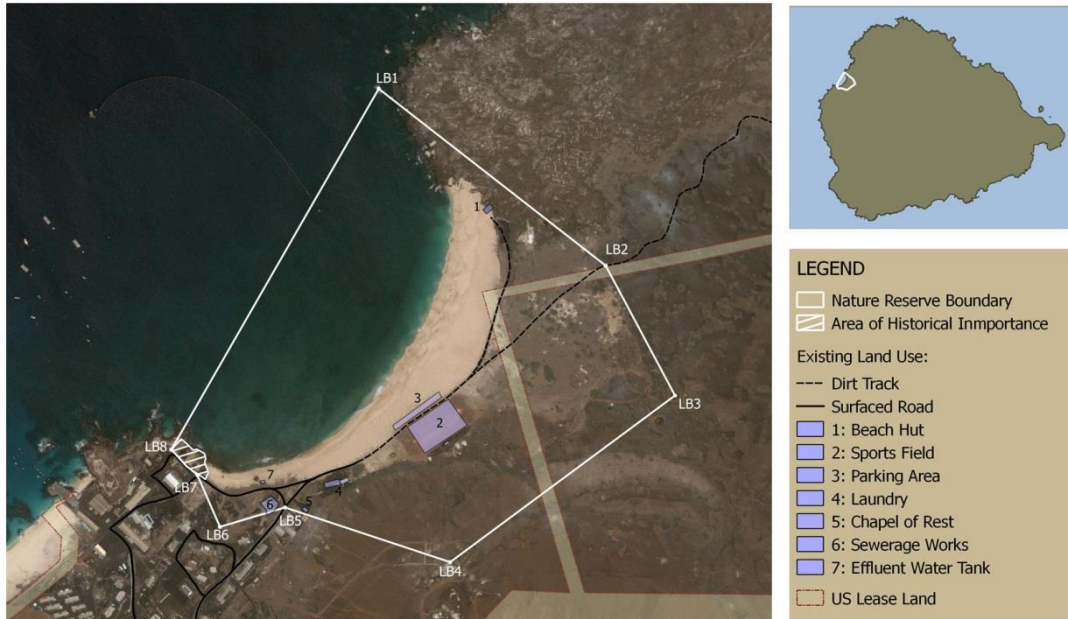


PART II NATURE RESERVES

2. Long Beach Nature Reserve:

An area bounded on the north by a straight line between reference point LB1 (N 9124793 E 565284) and reference point LB2 (N 9124416 E 565767) and thence by a straight line to reference point LB3 (N 9124140 E 565914); on the east by a straight line between reference point LB3 and reference point LB4 (N 9123784 E 565436); on the south by straight lines between reference points LB4 and LB5 (N 9123900 E 565084), reference points LB5 and LB6 (N 9123860 E 564946), reference points LB6 and LB7 (N 9123969 E 564899) and reference points LB7 and LB8 (N 9124024 E 564843); on the west by a straight line between reference point LB8 and reference point LB1.

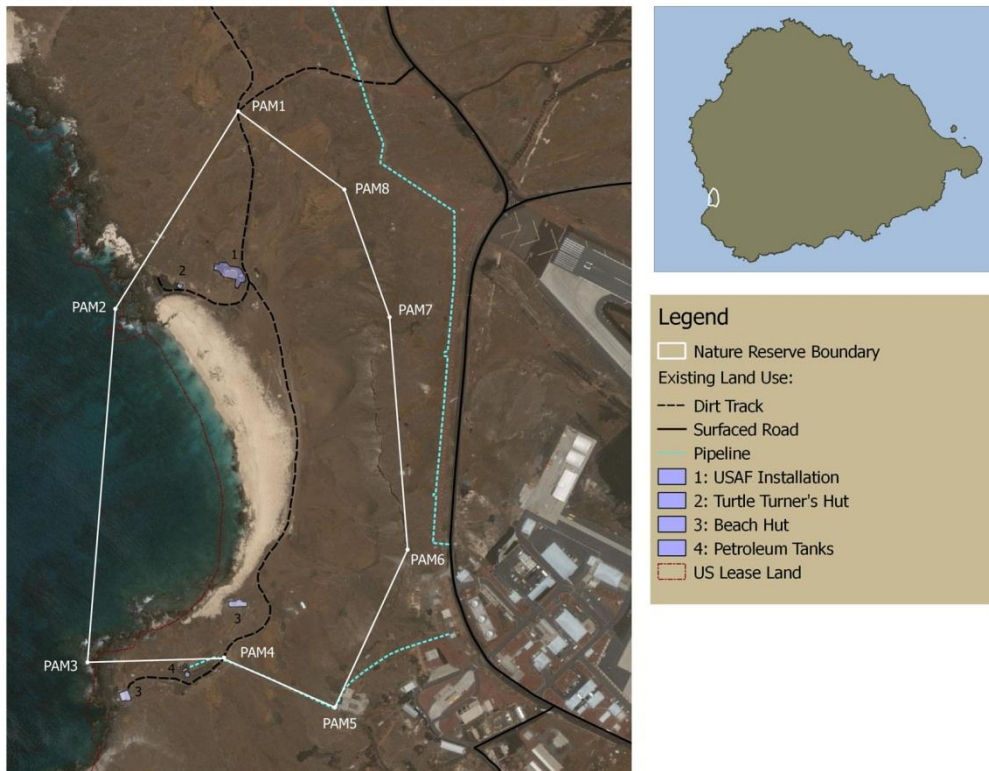
Site Plan NR1



3. South West Bay Nature Reserve:

An area bounded on the west by a straight line between reference point PAM1 (N 9119901 E 564984) and reference point PAM2 (N 9119611 E 564803) and thence by a straight line to reference point PAM3 (N 9119089 E 564762); on the south by a straight line between reference point PAM3 and reference point PAM4 (N 9119096 E 564963) and thence by a straight line to reference point PAM5 (N 9119022 E 565127); on the east by straight lines between reference points PAM5 and PAM6 (N 9119254 E 565235), PAM6 and PAM7 (N 9119599 E 565209), PAM7 and PAM8 (N 9119786 E 565140), and PAM8 and PAM1.

Site Plan NR2



4. North East Bay Nature Reserve:

An area bounded to the north by a straight line between reference point NEB1 (N 9125436 E 572542) and reference point NEB3 (N 9125238 E 573181); to the east by a straight line between reference point NEB3 and reference point NEB4 (N 9125027 E 573082) and thence by a straight line to reference point NEB5 (N 9124890 E 572883); to the south by a straight line between reference point NEB5 and reference point NEB6 (N 9124710 E 572197); to the west by a straight line between reference point NEB6 and NEB7 (N 9124908 E 572046) and thence by a straight line to reference point NEB1.

Site Plan NR3



5. Letterbox Peninsula Nature Reserve:

An area bounded by a straight line between Spire Beach (N 9122886 E 575202) and the summit of White Horse hill (N 9121684 E 575277), a straight line between the summit of White Horse hill and Crater Cliff (N 9120170 E 575790), and the coastline running in an easterly direction from Crater Cliff to Spire Beach.

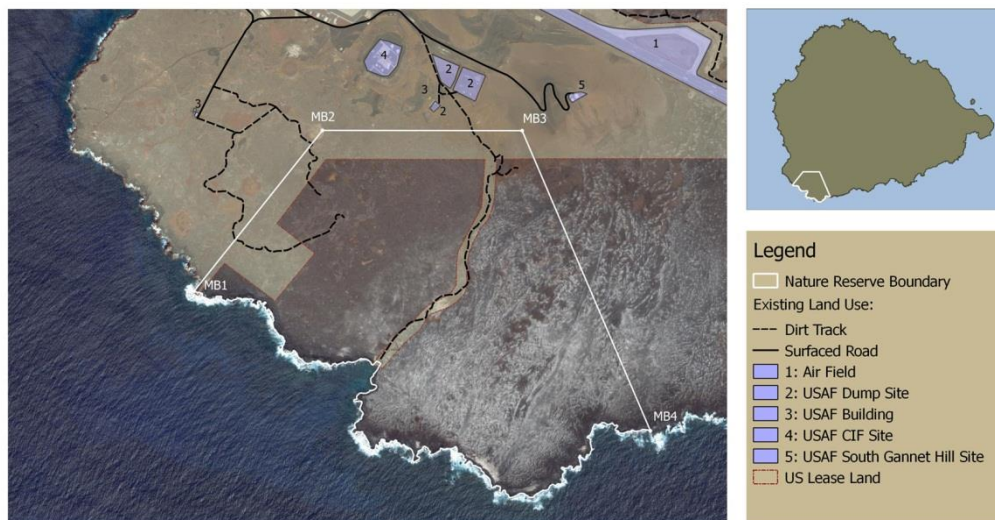
Site Map NR4



6. Mars Bay Nature Reserve:

An area bounded to the west by a straight line between reference points MB1 (N 9117494 E 565073) and MB2 (N 9118328 E 565735); to the north by a straight line between reference points MB2 and MB3 (N 9118328 E 566779); to the east by a straight line between reference points MB3 and MB4 (N 9116768 E 567446); to the south by the coastline running in a westerly direction between reference points MB4 and MB1.

Site Map NR5



7. Waterside Fairs Nature Reserve:

An area bounded to the west by a straight line between reference points WF1 (N 9116844 E 567863) and WF2 (N 9117983 E 568430); to the north by a straight line between reference points WF2 and WF3 (N 9118141 E 569621); to the east by a straight line between reference points WF3 and WF4 (N 9117606 E 570474); to the south by the coastline running in a westerly direction between reference points WF4 and WF1.

Site Map NR 6

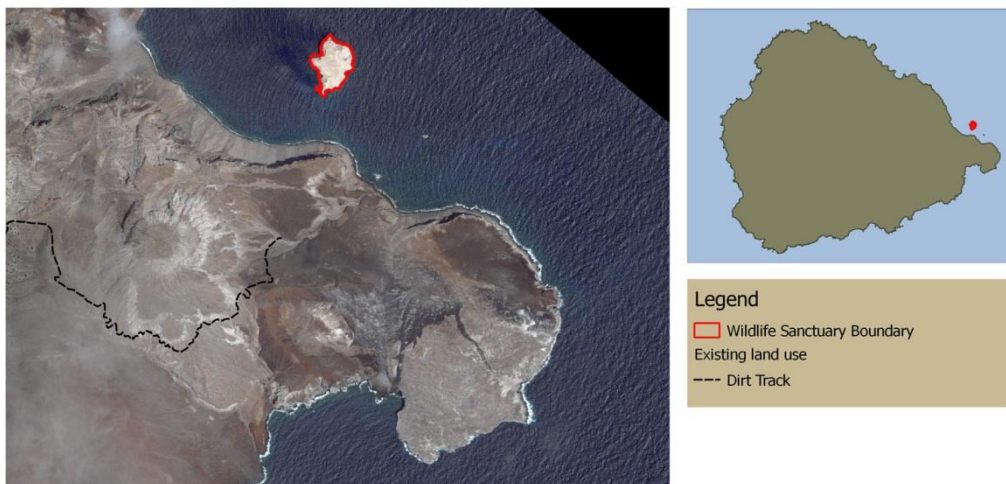


PART III SANCTUARY

8. Boatswain Bird Island Sanctuary:

An area comprising the entire land area of the island land mass known as Boatswain Bird Island, from sea level to the summit of the plateau.

Site map S1



PART IV AREA OF HISTORICAL INTEREST

9. Turtle Ponds Area of Historical Interest:

An area comprising the ruins of two 19th century man-made turtle ponds in Georgetown adjacent to Long Beach.

Site Map AH11



NATIONAL PROTECTED AREAS ORDINANCE, 2003

NATIONAL PROTECTED AREAS REGULATIONS, 2014

(Section 8)

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Citation and commencement

1. These Regulations may be cited as the National Protected Areas Regulations, 2014, and come into force on 28th July 2014.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“**animal or plant**” means any marine or land plant, vertebrate or invertebrate;

“**area of historical interest**” means the area so declared and described in the National Protected Areas Order, 2014;

“**artifact**” means any human-made object that is of anthropological, historical or artistic value, including carvings and drawings in, or on, rock;

“**beach**” means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form;

“**Bahamas Agreement**” means the Bahamas Long Range Proving Ground Agreement dated 25 June 1956;

“**development**” includes any change in use of land, the erection of any structure, the laying of underground cables or pipework and the carrying out of any drainage, dredging or sewerage scheme.

- “**motor vehicle**” means any self-propelled wheeled vehicle, including a car, truck, motorcycle, scooter and all-terrain vehicle;
- “**motor vessel**” means any apparatus propelled, or capable of being propelled, on the sea by use of an on board or outboard motor, including a sail vessel containing a motor;
- “**National Park**” means an area so declared and described in the National Protected Areas Order, 2014;
- “**National Protected Area**” means an area given specific protection under the National Protected Areas Order, 2014;
- “**Nature Reserve**” means the area so declared and described in the National Protected Areas Order, 2014;
- “**Reserve Warden**” means a person appointed in accordance with Regulation 14;
- “**protected species**” means any animal or plant listed as protected in the Wildlife Protection Ordinance, 2013;
- “**Sanctuary**” means an area so declared and described in the National Protected Areas Order, 2014;
- “**turtle season**” means the period between 1st December through to 1st July in each calendar year;
- “**United States of America Base Personnel**” means persons in the service of the Government of the United States of America, or of a contractor of that Government, as provided for by the Bahamas Agreement;
- “**vessel**” means any vehicle which travels on water and includes a ship, boat, dinghy, windsurfer, jet ski and any motorised vessel.
- “**warden**” means a reserve warden or assistant reserve warden.

General prohibitions

3. All or any of the following are prohibited within National Protected Areas if done without the prior permission of the Administrator:

- (a) any development;
- (b) the improving or altering of any existing structure;
- (c) the removal of sand, soil or rock;
- (d) the intentional or reckless disturbance to, or damage or injury to, any protected species;
- (e) the dumping of refuse, chemicals, abandoned vehicles, scrap metal, mining spoils, toxic or other wastes, bilges, oil and other petroleum products, pesticides and other items harmful to animals or plants, or unsightly items;
- (f) the driving or riding of motor vehicles other than on public roads as defined in the Road Traffic Ordinance, 1984 or in a signed parking zone;
- (g) parking a vehicle, except in a signed parking zone;
- (h) the making of fires without a permit other than in a portable stove or grill, or in designated fire pits;
- (i) playing any musical instrument, radio, sound system, television or other item which produces or reproduces music, to the annoyance of other persons; and
- (j) the use or possession by any person, other than a Warden acting in the course of his or her duties, of any type of firearm, air gun, cross bow, bow and arrow or slingshot.

National Parks

4. In addition to the general prohibitions set out in Regulation 3, the following is prohibited within all National Parks if done without the prior permission of the Administrator:
- (a) the taking of any animal or plant by any method out of the national park area;
 - (b) the tampering or interference in any way with any natural spring or “drip”; and
 - (c) the intentional or reckless destruction of or damage to any building, artefact or enclosed concrete water catchment area.

Beach nature reserves

5. (1) In addition to the general prohibitions set out in regulation 3, the following are prohibited within all beach nature reserves if done without the prior permission of the Administrator:
- (a) the occupation of beach huts after 9.0 p.m. during turtle season;
 - (b) the lighting of beach huts after 9.0 p.m. during turtle season;
 - (c) allowing of unaccompanied dogs;
 - (d) allowing dogs off their leash between sunset and sunrise;
 - (e) the driving or parking of any motor vehicle on the beach;
 - (f) water skiing and the operating of jet skis during turtle season;
 - (g) pitching or erecting any tent on the beach during turtle season;
 - (h) the installation of artificial lighting fixtures that are directly visible from the beach, or which indirectly illuminate the beach.

(2) For the purpose of this Regulation, “**beach nature reserves**” means Long Beach Reserve, South West Bay Beach Reserve and North East Bay Beach Reserve.

Bird nature reserves

6. (1) In addition to the general prohibitions set out in regulation 3, the following are prohibited within all bird nature reserves if done without the prior permission of the Administrator:
- (a) allowing any dogs or cats within the reserve;
 - (b) taking any animal or plant from the Mars Bay Nature Reserve anchialine ponds:
and
 - (c) entry into, swimming or bathing in the Mars Bay Nature Reserve anchialine ponds.

(2) For purposes of this Regulation, “**bird nature reserves**” means Letter Box Peninsula Nature Reserve, Mars Bay Nature Reserve and Waterside Fairs Nature Reserve.

Sanctuaries

7. In addition to the general prohibitions set out in regulation 3, the following are prohibited within all Sanctuaries if done without the prior permission of the Administrator:
- (a) access by the public, unless with the prior written approval of the Administrator in form S/1 set out in the Schedule;
 - (b) the intentional introduction, either temporary or permanent, of any animal or plant not indigenous to the site; and
 - (c) the removal of any artefact.

Areas of Historical Interest

8. In addition to the general prohibitions set out in regulation 3, the following are prohibited within all Areas of Historical Interest, if done without the prior permission of the Administrator:

- (a) any alteration to the outward appearance of any structure;
- (b) the removal of any artefact; and
- (c) the intentional or reckless destruction of any building or artifact.

Fees

- 9.** (1) The Administrator may determine fees to be charged for—
- (a) entrance to a National Protected Area; and
 - (b) the issue of any permit under these Regulations.

(2) Where a fee is determined for entrance to a National Protected Area, a person may not enter or remain in the protected area unless the appropriate fee has been paid:

Provided that this regulation does not apply so as to levy any fee against the United States Government for entry to Mars Bay Nature Reserve, Waterside Fairs Nature Reserve and South West Bay Nature Reserve.

Opening and closing of National Protected Areas

10. (1) The Administrator may, by causing a notice to be published on the official notice board, give notice of the hours during which a National Protected Area is open to the public.

(2) The Administrator may vary or revoke a notice under this regulation at any time by subsequent notice published on the official notice board.

(3) The Administrator may close a National Protected Area or any part of a National Protected Area—

- (a) if the closure is necessary or desirable for the proper management of the National Protected Area;
- (b) if the closure is necessary or desirable to protect any protected wildlife species; or
- (c) if it is in the interest of public safety to close the National Protected Area.

(4) A person must not, without permission of the Administrator, enter or remain in a National Protected Area when it is closed to the public.

(5) The Administrator may impose conditions under which access to a National Protected Area is permitted.

Setting aside a National Protected Area or part of a National Protected Area for a particular use

11. (1) The Administrator may by notice published on the official notice board, set aside a National Protected Area or part of a National Protected Area, as an area in which a particular activity may be undertaken by visitors to the National Protected Area.

(2) A notice published under sub-regulation (1) may impose conditions in relation to the activity and may be revoked or varied by the Administrator at any time by subsequent notice published on the official notice board

(3) A person who contravenes or fails to comply with a condition attached to a notice published under sub-regulation (1) commits an offence.
Penalty: As provided in regulation 16.

Administrator's duty to consult

12. (1) In exercising any of the Administrator's powers under this Regulation, the Administrator must obtain and take into account the written opinion of the Head of Conservation and the Island Council Biodiversity & Fisheries Committee as to whether the exercise of that power is likely to have any significant impact on the ecological integrity or aesthetic value of the National Protected Area.

Right to make representations to the Governor

13. (1) A person whose application for a permit is refused, or is granted subject to conditions, has the right to make written representations to the Governor:
But the fact of making or desiring to make written representations to the Governor does not operate as a postponement of the refusal or the application of the permit on those conditions, unless the Governor so orders.

(2) The Governor may, after considering any representations made under subsection (1), and acting in his or her discretion, either confirm, alter or revoke the decision or permit conditions (as the case may be) which is the subject of the representations, and give any ancillary directions the Governor considers appropriate.

Enforcement

14. (1) The Administrator must from time to time appoint a person to be Reserve Warden who, subject to the Ordinance and these Regulations, is to have the control and management of the National Protected Areas.

(2) The Administrator may appoint Assistant Reserve Wardens whenever he or she considers it appropriate to do so.

(3) All duly appointed police officers, Conservation Officers and Fisheries Protection Officers are deemed to be Assistant Reserve Wardens for the purpose of these Regulations.

- (4) These Regulations are to be enforced by the Reserve Warden and all Assistant Reserve Wardens (“wardens”), all of whom have the power to—
- (a) enter all parts of a National Protected Area for the purpose of preventing the commission of any offence under the Ordinance or any regulations made pursuant to it;
 - (b) arrest without warrant any person committing an offence or whom the warden reasonably suspects to be committing, to have committed, or be about to commit, an offence; and
 - (c) to seize any article, item or thing of whatever kind that the warden reasonably suspects has been used in the commission of an offence and to detain the same until the determination of proceedings in respect of that offence.

Application of Regulations

15. (1) The wardens are not subject to these Regulations in relation to the performance of their functions or the exercise of their powers as a warden, and an employee of the Conservation department is not subject to these Regulations in relation to the performance of the duties of that employment.

(2) United States of America Base Personnel are not subject to these Regulations in relation to the performance of their functions or the exercise of their duties under the Bahamas Agreement.

Offences and penalties

16. (1) A person who contravenes or fails to comply with these Regulations commits an offence.

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

(2) If an offence under sub-regulation (1) is a continuing one, the person convicted of it is liable to a further fine not exceeding £500 for every day or part of a day on which the offence has continued.

(3) The court before which any person is convicted of an offence under this Regulation may order—

- (a) the forfeiture to the Crown of any item, article or thing used in the commission of the offence;
- (b) that the person so convicted must pay the cost of repairing any damage to a National Protected Area caused by the commission of such offence.

(4) An item, article or thing forfeited pursuant to sub-regulation (3)(a) must be destroyed, unless the Administrator directs that it be disposed of in some other specified manner.

Acts done with lawful authority or reasonable excuse

17. It is a defence for a person charged with an offence under these Regulations to prove that the person had lawfully authority or reasonable excuse for carrying out the act charged.

Revocation

18. *Omitted*

SCHEDULE
(Regulation 7(a))

FORM S/1

NATIONAL PROTECTED AREAS REGULATIONS, 2014

PERMIT FOR ACCESS TO SANCTUARY

..... [Name of applicant(s)]

of [Address]

.....

.....

is hereby granted permission to enter [name of Sanctuary]

.....

between the following dates:

..... [Start date]

..... [End date]

subject to the National Protected Areas Ordinance, 2003, the National Protected Areas Regulations, 2014 the following conditions –

1. This permit must be carried at all times by the holder during the exercising of permission granted herein.

2.

NATIONAL PROTECTED AREAS ORDINANCE, 2003**NATIONAL PROTECTED AREAS ORDER, 2019**

(Section 3)

Citation

1. This Order may be cited as the National Protected Areas Order, 2019.

Certain area to be Marine Protected Area

2. The area described and delineated in the Schedule is declared to be a Marine Protected Area.

SCHEDULE

The Marine Protected Area (MPA) extends from mean high water springs (MHWS) to the exclusive economic zone limit at 200 nautical miles (M) from the nearest points on the baseline from which the breadth of the territorial waters adjacent to the Island of Ascension is measured, and is bounded by a circle as set out in the diagram with outer limits at:

14° 21' 29.3544"W, 4° 32' 23.3478"S
10° 56' 5.8914"W, 7° 56' 28.0134"S
14° 21' 29.3544"W, 11° 20' 32.6796"S
17° 46' 52.8198"W, 7° 56' 28.0134"S

