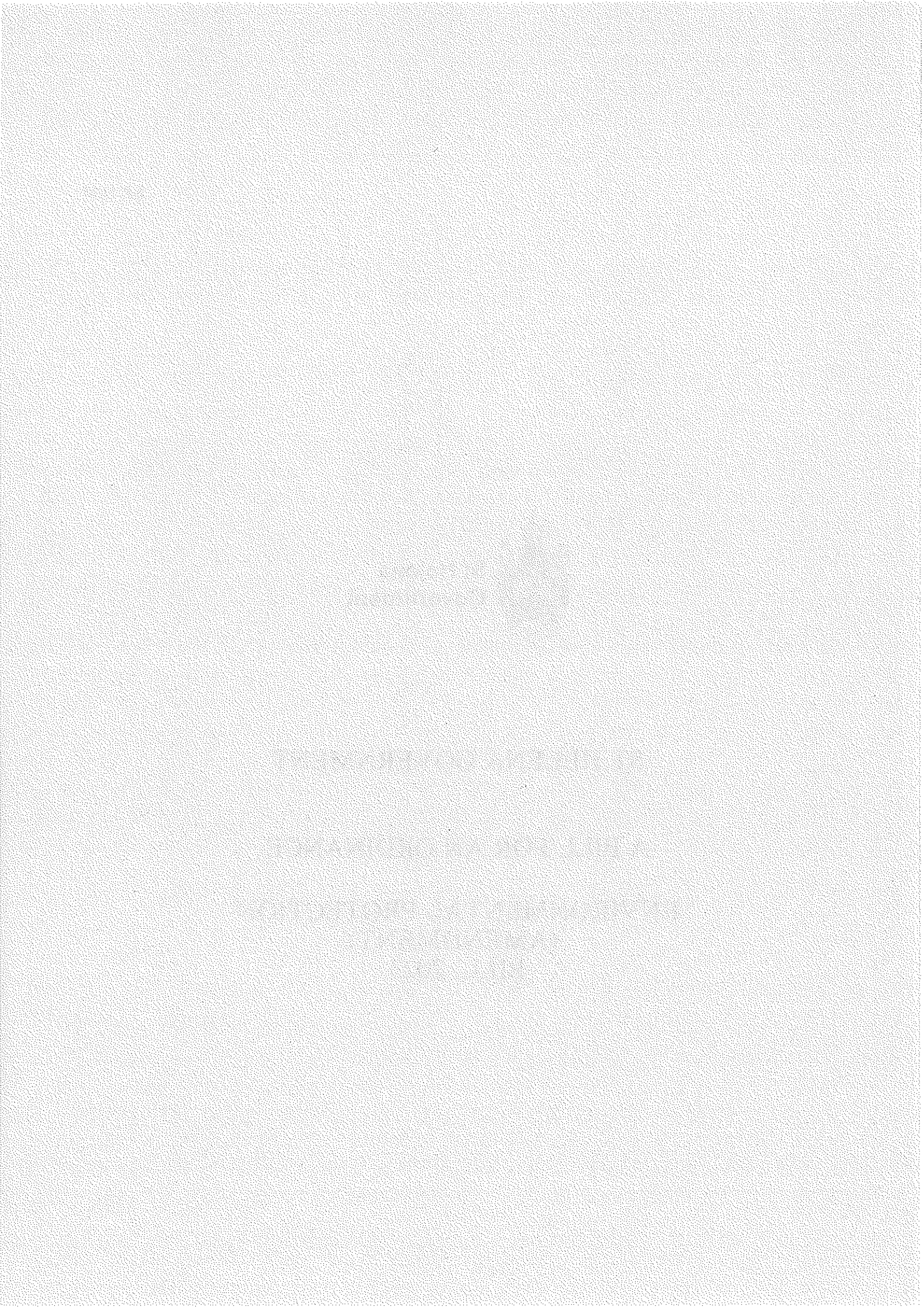




ST HELENA GOVERNMENT

A BILL FOR AN ORDINANCE

ENVIRONMENTAL PROTECTION
(AMENDMENT)
BILL, 2023





ST HELENA

A BILL

FOR

AN ORDINANCE

to amend the Environmental Protection Ordinance, 2016, to make provision for the licensing of recreational activities and marine development in a marine protected area and to revise the provisions for the enforcement of environmental protection notices; and for connected and incidental purposes.

Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St Helena.

Short title, commencement and interpretation

1. (1) This Ordinance may be cited as the Environmental Protection (Amendment) Ordinance, 2023, and comes into force on a date or dates fixed by the Governor by Order.

(2) An Order under subsection (1) may—

- (a)* appoint different dates for different provisions or for different purposes of the same provision; and
- (b)* contain such transitional or consequential provisions as appear to the Governor to be necessary or convenient.

(3) In this Ordinance “the principal Ordinance” means the Environmental Protection Ordinance, 2016.

Amendment of section 2 - interpretation

2. The principal Ordinance is amended in section 2 in the definition of the term “environmental protection notice” by—

- (a)* repealing the word “under” and substituting the words “in accordance with”; and
- (b)* by inserting after “97” the words “or 99A”.

Amendment of section 10 - appeals

3. The principal Ordinance is amended in section 10(1) by inserting after paragraph *(b)* the following paragraph—

“(bb) in respect of a licence issued pursuant to regulations made under section 11, a decision to vary, amend or revoke such licence;”.

Amendment of section 19 - protection of biodiversity

4. The principal Ordinance is amended in section 19 by inserting after subsection (5) the following subsection—

“(6) Where the Chief Environmental Officer is satisfied that there is on St Helena any pathogen, disease or organism, the spread of which is causing or is likely to cause irreparable damage or harm to the biodiversity of St Helena, the Chief Environmental Officer may issue an environmental protection notice to restrict, control or prohibit access by any person not authorised by the Chief Environmental Officer to any terrestrial area or marine area, or any part of such area which is affected by or could potentially be affected by the pathogen, disease or organism.”.

Amendment of section 29 - interpretation of this part

5. The principal Ordinance is amended by repealing section 29 and substituting the following section—

“National Conservation Area

29. A national conservation area includes an area designated as a marine protected area under this Ordinance.”.

Amendment of section 34 - regulations

6. The principal Ordinance is amended in section 34 by inserting after paragraph (a) the following paragraphs—

- “(aa) in respect of any recreational activities and marine development within or related to a marine protected area—
 - (i) establish a licensing regime to regulate such recreational activities and marine development;
 - (ii) may create offences for the contravention of the regulations;
 - (iii) provide penalties not to exceed £25,000;
- (ab) in respect of section 19(6) make provision for the restriction, control or prohibition of access by any person not authorised by the Chief Environmental Officer to any terrestrial area or marine area;”.

Insertion of section 99A - environmental protection notice regarding entry

7. The principal Ordinance is amended by inserting after section 99 the following section—

“Environmental protection notice regarding entry

(1) Sections 97, 98 and 99 do not apply to an environmental protection notice issued for the purpose specified in section 19(6).

(2) The Chief Environmental Officer must cause as many copies of an environmental protection notice for the purpose specified in section 19(6) that the

Chief Environmental Officer considers appropriate to be placed in the area where the pathogen, disease or organism is detected in a prominent place where the environmental protection notice may reasonably be expected to be seen.

(3) An environmental protection notice for the purpose specified in section 19(6) may contain instructions or directions to kill, control or to prevent the spread of the pathogen, disease or organism to which the environmental protection notice refers.”.

Amendment of section 100 - offences in relation to environmental protection notices

8. The principal Ordinance is amended in section 100(4) by inserting after the words “contravenes subsection (1), (2) or (3)” the words “or an environmental protection notice issued pursuant to section 19(6)”.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

This Bill would make provision for the regulation of recreational activities and marine development in a marine protected area and restrict, control and prohibit entry to areas where pathogens, diseases or organisms have been identified.
