

CHAPTER 358

THE PUBLIC PARKS ACT

Arrangement of Sections

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PUBLIC PARKS

(30th April, 1965.)

411965.
S.I. 3911989.

1. This Act may be cited as the Public Parks Act. **Short title.**
2. (1) In this Act the following expressions have the **Interpretation.** meanings hereby assigned to them respectively, that is to say—

Cap. 404.

"Central Authority" means the Central Housing and Planning Authority established under the Slum Clearance and Housing Act;

"land" includes land covered by water;

"Minister" means the Minister for the time being charged with the responsibility for the subject of Lands;

"Public Park" has the meaning assigned to it by section 6 of this Act.

(2) References in this Act to the preservation of the natural beauty of an area shall be construed as including references to—

(a) the preservation of the characteristic natural features, flora and fauna thereof;

(b) the preservation of buildings therein of architectural, historic or artistic interest and the protection and augmentation of the amenities of such buildings.

(3) References in this Act to any Act shall be construed as references to that Act as amended by or under any subsequent Act including this Act.

**Public Parks
Commission.**

3. There shall be a Public Parks Commission which shall be charged with the duty of exercising the functions conferred on them by this Act—

(a) for the preservation and enhancement of natural beauty in the areas designated in or under this Act as Public Parks;

(b) for encouraging the provision or improvement for persons resorting to Public Parks of facilities for the enjoyment thereof and for the enjoyment of the opportunities for open air recreation,

and of exercising such other functions as are conferred on the Commission by this Act.

**Constitution of
the Commission.**

4. (1) The Public Parks Commission (hereinafter referred to as "the Commission") shall consist of a chair-

man and such number of other members as the Minister may determine.

(2) The members of the Commission shall be appointed by the Minister and shall hold and vacate office in accordance with such terms as may be prescribed by or under regulations made by the Minister and, on vacating office, shall be eligible for re-appointment.

(3) The Minister may pay to the chairman of the Commission such remuneration (whether by way of salary or by way of fees), and to any members of the Commission such reasonable allowances in respect of—

(a) expenses properly incurred in the performance of their duties;

(b) loss of remunerative time; or

(c) additional expenses (other than as aforesaid) necessarily incurred by them for the purpose of enabling them to perform their duties, being expenses to which they would otherwise have been subject, as the Minister may determine.

(4) The Commission may, with the approval of the Minister, appoint a secretary to the Commission and may appoint such number of other officers and of servants as the Minister of Finance may determine.

(5) The functions of the Commission and of the secretary and servants (if any) shall be exercised on behalf of the Crown.

(6) The procedure (including the quorum) of the Commission shall be such as they shall determine.

(7) The validity of any proceeding of the Commission shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.

(8) A member of the Commission, other than the chairman or deputy chairman shall not by reason of his member-

ship be rendered incapable of being elected, or of sitting and voting as, a member of the House.

Annual report.

5. The Commission shall, as soon as possible after the thirty first day of December in each year make to the Minister a report on the discharge by them of their functions under this Act during the period of twelve months ending with that day.

Public Parks.

6. (1) The following provisions of this Act shall have effect for the purpose of preserving and enhancing the natural beauty of the areas specified in the Schedule to this Act, and for the purpose of promoting their enjoyment by the public.

Schedule.

(2) The said areas are hereby designated as Public Parks and they shall be known as, and are hereinafter referred to as, Public Parks.

Duties of the Commission.

7. (1) As respects areas designated as Public Parks, it shall be the duty of the Commission—

(a) to consider generally and in relation to particular Public Parks in what way action needs to be taken under a law or otherwise for the purposes specified in subsection (1) of the last foregoing section, and to make such recommendations with respect thereto to the Minister and to the Central Authority or to any local authority or other persons as may appear to the Commission to be necessary or expedient;

(b) to keep under review the progress made from time to time in accomplishing the said purposes and to make to the Minister or, where the Commission deem it appropriate, to the Central Authority or any local authority or other persons, such representations as appear to the Commission to be necessary or expedient as to any matter affecting the accomplishment of these purposes.

(2) Without prejudice to the generality of the last foregoing subsection, it shall be the duty of the Commission—

(a) to inquire into and report on such questions as may from time to time be referred to them by any

Government department being questions affecting the natural beauty of Public Parks or other areas or places;

(b) to bring to the attention of the Minister or of the Central Authority or of any local authority the effect on the natural beauty of such areas or places as aforesaid of development or developments of any class, which appear to the Commission to be prejudicial thereto;

(c) to procure the production and sale to the public of books, guides, and maps, the exhibition of posters and other advertisements, the giving of lectures and the provision and exhibition of cinematograph films.

8. The expenses of the Commission incurred in accordance with proposals approved by the Minister shall be defrayed out of moneys provided by Parliament for that purpose. Expenses of Commission.

9. The Minister may, by order made as respects any area in Antigua and Barbuda, not being in a Public Park, which appears to him to be of such outstanding natural beauty that the provisions of this Act relating to Public Parks should apply thereto, designate the area for the purposes of this Act as a Public Park and references in this Act to Public Parks shall be construed as references to an area designated under this section. Designation of other areas.

10. (1) Notwithstanding anything contained in the Town and Country Planning Act, the Commission may make arrangements for securing the provision in a Public Park (whether by the Commission or by other persons)— Provision of accommodation for meals, refreshments, camping sites and parking places. Cap. 432.

(a) of accommodation, meals and refreshments (including intoxicating liquor);

(b) of camping sites; and

(c) of parking places and means of access thereto and egress therefrom,

and may for the purposes of such arrangements erect such buildings and carry out such work as may appear to them to be necessary or expedient:

Provided that the Commission shall not under this section provide accommodation, meals or refreshments except in so far as it appears to the Commission that the facilities

therefor are inadequate or unsatisfactory either generally or as respects any description of accommodation, meals or refreshments, as the case may be.

(2) The functions of the Commission under the last foregoing subsection shall be exercisable either on land in a Public Park or on land in the neighbourhood thereof.

(3) The foregoing provisions of this section shall not authorise the Commission or any person, on land in which any person has an interest, without his consent to do anything which apart from this section would be actionable at the suit of that person by virtue of that interest.

(4) The Minister may purchase by agreement any land which is required by the Commission for the purpose of any of their functions under this section.

(5) Where the Minister is unable to purchase by agreement any land which he is authorised to purchase, he may acquire such land compulsorily in accordance with the provisions of the Land Acquisition Act.

Cap. 233.

Restriction of traffic.

11. (1) Where it appears to the Commission as respects a road in a Public Park that it is expedient that the use of the road by traffic of any particular description should be restricted on the ground that the use of the road by traffic of that description would detract from the area or from the enjoyment thereof by the community as a whole, the following provisions shall have effect.

(2) the Commission shall consider what restrictions appear to them to be requisite on the grounds mentioned in the last foregoing subsection and shall also consider the extent (if any) to which any such restrictions would interfere with—

(a) the reasonable requirements of members of the public as users of traffic of the description proposed to be restricted;

(b) any reasonable requirements for such traffic to have access to the Park;

(c) any other special or local requirements as to the use of the road by traffic of that description.

(3) If after such consideration as aforesaid the Commission are of the opinion that it is expedient so to do, the Commission after consulting with the Transport Board, may make and submit to the Minister an order imposing, either generally or in such cases or subject to such exceptions as may be specified in the order, such restrictions as may be so specified on the use of the road by traffic and the Minister after considering the matters specified in subsection (2) of this section, may if he thinks fit, confirm such order with or without modifications.

(4) In this section the expression "road" means a highway other than a footpath or a bridleway.

12. (1) The Minister may as respects land comprised in a Public Park make regulations—

(a) for the preservation of order;

(b) for the prevention of damage to the land or to anything thereon or therein.

(2) Without prejudice to the generality of subsection (1) of this section regulations under that subsection—

(a) may prohibit or restrict the use of the land or generally or in any manner specified in the regulations, by traffic of any description so specified;

(b) may contain provisions prohibiting the depositing of rubbish and the leaving of litter;

(c) may regulate or prohibit the lighting of fires;

(d) may be made so as to relate either to the whole or to any part of the land, and may make different provisions for different parts thereof;

(e) may regulate the conditions of use and charges to be made for the use of such parking places provided by the Commission in pursuance of arrangements made by them under section 10 of this Act and for prohibiting or restricting persons from plying for hire with such vehicles at such parking places.

Nothing in paragraph (a) of this subsection shall be construed as limiting the general power of the Commission to make charges for any services or facilities provided by them under this Act.

(3) Before making regulations under the foregoing provisions of this section the Minister shall consult with the Commission.

Penalty on persons contravening regulations, etc.

13. (1) Any person who contravenes any regulation or order made by the Minister under this Act shall be liable on summary conviction for the first offence to a fine not exceeding five hundred dollars and for a second or any subsequent conviction to a fine not exceeding one thousand dollars nor less than two hundred dollars.

(2) Where any person is convicted of an offence against this Act and it appears that such person has at any time within the previous two years been previously convicted of an offence against this Act, the court may in lieu of imposing any pecuniary penalty, sentence such person to imprisonment with or without hard labour for any period not exceeding six months.

SCHEDULE

Section 6

All that piece or parcel of land known as Public Park at English Harbour in the Parish of Saint Paul in Antigua and Barbuda containing an area of 690 acres and bounded as follows, that is to say, on the North by the "Savannah" and Government Land Settlement, on the South by the Sea, on the East by the Sea, and on the West by lands of Nicholson, Middle Ground, and land of E. Marsh, all of which boundaries are delineated and shown on a plan made by Ernest Alexander Govia, Licensed Surveyor, dated the 26th day of August, 1963.

All that piece or parcel of land known as Public Park at Long Bay in the Parish of Saint Philip in Antigua and Barbuda containing an area of approximately 116.887 acres and bounded as follows, that is to say, on the North by lands of Long Bay Hotel and the Sea, on the South by lands of Leon Brown, on the East

by the Sea, and on the West by lands of Horizon Golf Course, all of which boundaries are delineated and shown on a plan made by Ernest Alexander Govia, Licensed Surveyor, dated the 20th day of August, 1963.
