

CHAPTER 259

THE MARINE AREAS (PRESERVATION AND ENHANCEMENT) ACT

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THE MARINE AREAS (PRESERVATION AND ENHANCEMENT) ACT

(5th August, 1972.)

5/1972.
18/1989.

1. This Act may be cited as the Marine Areas (Preservation and Enhancement) Act. **Short title.**

2. In this Act— **Interpretation.**

"flora and fauna" include any part of a coral reef or other deposit in its natural conditions;

"marine areas" means the submarine areas within the territorial waters and includes any adjoining land or swamp areas which form within certain submarine areas a single ecological entity;

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CAP. 259) Marine Areas (Preservation
and Enhancement)

"Minister" means the Minister responsible for Fisheries;

"Regulations" means regulations made under this Act;

"restricted area" means any area so designated by the Minister under section 3;

"wreck" means sunken boats and ships and derelicts, abandoned by their owners and a Receiver of Wrecks, found within the territorial sea.

Restricted areas.

3. (1) The Minister may by Order published in the Gazette designate any portion of the marine areas of Antigua and Barbuda as a restricted area where he considers that special steps are necessary for—

(a) preserving and enhancing the natural beauty of such areas;

(b) the protection of the flora and fauna and wrecks found in such areas;

(c) the promotion of the enjoyment by the public of such areas;

(d) the promotion of scientific study and research in respect of such areas.

(2) Except as is provided by the regulations, no person may go in or alight upon a restricted area, or counsel, aid or abet any other person so to do (whether for reward or not); and any person who contravenes the provisions of this subsection shall be guilty of an offence and liable on summary conviction to a fine of fifteen hundred dollars, and in the case of a continuing offence to a further fine of three hundred dollars for each day on which the offence continues.

(3) An area so designated shall be described and be limited in such Order by reference to a map or such other descriptive matter as may be necessary for the purpose.

*Minister may
acquire private
lands.*

4. (1) Where the Minister considers that it is necessary to acquire any private lands for the use of a restricted area he shall enter into negotiations with the owner or other person entitled to grant rights in the land for the purpose of acquiring the lands.

(2) Where it is not reasonably practicable to acquire any such lands by private negotiation for any of the following reasons —

(a) that the owner or other person with power to grant the right are numerous or have conflicting interests;

(b) that the owner or other persons with power to grant the right, or any of them cannot be ascertained or cannot be found;

(c) that the owner or other persons from whom the right must be obtained, or any of them, have not the necessary powers of disposition whether by reason of defect in title, legal disability or otherwise;

(d) that the owner or other person with power to grant the right unreasonably refuses to grant it or demands terms which, having regard to the circumstances, are unreasonable,

the Minister may by means of a compulsory purchase Order acquire such land and upon such an Order being made, the lands specified in the Order shall, subject to the provisions hereinafter contained, vest in the Crown. For the purposes of arriving at compensation for any land so acquired the provisions of the Land Acquisition Act shall apply.

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(3) The acquisition of land for any of the purposes of this Act is hereby declared to be a public purpose.

(4) In this section "land" includes any interest in land.

5. The Minister may assign to any person, Board, committee or body which he considers competent for the purpose, responsibility for the control and management of any restricted area in accordance with the provisions of this Act, or of any regulations made thereunder.

Management of restricted areas.

6. (1) The Minister may make regulations generally for the purpose of giving effect to this Act, and in particular, may by such regulations provide for all or any of the following matters —

Regulations.

(a) the protection of the flora and fauna and wrecks in restricted areas and the establishment of offences in connection therewith;

(b) the care, control and management of the restricted area, including the search, seizure, and arrest of any person, vessel or carrier;

(c) the regulation of the use and enjoyment of such areas;

(d) the regulating of the use of parking and refreshment facilities;

(e) the licensing of boats and crafts employed in the transportation of visitors to restricted areas, and the licensing of any guides required by visitors;

(f) the ensuring of public rights of way over private property to allow access to restricted areas;

(g) permitting entry to restricted areas upon such terms and conditions as may be imposed by the Minister;

(h) the charging of fees for any of the services above;

(i) the seizure and confiscation of any flora, fauna, wreck or any part thereof taken in contravention of this Act or any regulations made thereunder and of any vessel or carrier upon which the same may be found;

(j) the payment of all sums for carrying this Act into effect.

(2) A person who contravenes or fails to comply with the provisions of any such regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding three thousand dollars or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

(3) All regulations shall be laid before Parliament as soon as may be after they are made and if either House of Parliament resolves that the regulations be annulled they shall thereupon cease to have effect but without prejudice to anything previously done thereunder or to the making of new regulations.
