

THE WILD LIFE PROTECTION ACT

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SCHEDULES

THE WILD LIFE PROTECTION ACT

Cap. 413.
Law
56 of 1960.

[20th September, 1945.]

1. This Act may be cited as the Wild Life Protection Act. Short title.

2. In this Act—

“authorized trap” means any trap authorized by the regulations under this Act; Interpretation.

“close season” means in relation to any kind of game birds the period declared in each year by the Minister by order during which the hunting of game birds of that kind is prohibited; 56/1960
S. 2(a) (i).

“Crown land” means any land vested in the Commissioner of Lands of Jamaica and not leased to any person;

“fish” means any creature which lives wholly or mainly in water;

“Fishery Inspector” means any person appointed to be a Fishery Inspector under this Act;

“Forest Reserve” means an area declared to be a Forest Reserve under the Forest Act;

“Game Reserve” has the meaning assigned to that expression by section 5; 56/1960
S. 2(a) (ii).

“Game Sanctuary” means any area specified in the First Schedule; First
Schedule.

“game bird” means any bird specified in the first part of the Second Schedule; Second
Schedule.

“Game Warden” means any person appointed to be a Game Warden under this Act;

“hunt” includes kill, capture or wilfully molest by any method and any attempt to kill, capture or molest any animal or bird;

“noxious material” means any substance which kills, injures or stupefies fish or is likely or calculated to kill, injure or stupefy fish or is otherwise injurious to fish;

Third
Schedule.

“protected animal” means any animal specified in the Third Schedule;

Second
Schedule.
56/1960
S. 2(a) (ii).

“protected bird” means any bird (excluding birds kept in a domesticated state) other than the birds specified in the Second Schedule;

“shooting season” in relation to any kind of game birds means, as respects any year, any period not included in the close season;

“trap” means any contrivance or structure, whether fixed or movable, used or intended to be used for taking or facilitating the taking of fish;

“water” includes the sea and any harbour, bay, creek, lake, lagoon, pond, river, stream or canal.

Animals and Birds

Game
Sanctuaries.
First
Schedule.

3.—(1) The areas specified in the First Schedule are hereby declared to be Game Sanctuaries.

(2) The Minister may by order amend the First Schedule by adding thereto or deleting therefrom any area specified in such order.

Hunting, etc.
in Game
Sanctuary.

4.—(1) Every person who—

(a) hunts any animal or bird in a Game Sanctuary;
or

(b) takes the nest or egg of any bird in a Game Sanctuary; or

(c) is found within a Game Sanctuary under circumstances showing that he was hunting any animal or bird or taking or intending to take the nest or egg of any bird; or

(d) takes any dog into or knowingly permits any dog to enter or be in a Game Sanctuary; or

- (e) carries in a Game Sanctuary any gun, catapult or other weapon capable of being used to hunt animals or birds,

shall be guilty of an offence against this Act.

(2) Any person found in a Game Sanctuary in possession of any animal, bird, bird's nest or egg shall be deemed to have hunted such animal or bird or taken such nest or egg in such Game Sanctuary unless the contrary be proved.

5.—(1) The Minister on the written application of the owner or occupier of any lands, may by order apply in relation to the whole or any part of those lands the provisions of section 4 with such modifications, to be specified in the order, as appear to the Minister to be appropriate.

Game Reserves.
56/1960
S. 2 (b).

(2) An area in relation to which an order is in force under this section is in this Act referred to as a "Game Reserve".

6.—(1) No person shall hunt any protected animal or protected bird.

Hunting protected animals and protected birds.

(2) Every person who—

- (a) contravenes the provisions of subsection (1); or
- (b) has in his possession the whole or any part of any protected animal or protected bird; or
- (c) takes or has in his possession the nest or egg of any protected bird,

shall be guilty of an offence against this Act.

7.—(1) During the shooting season game birds of any kind to which that season relates may lawfully be hunted on the first day of the season and thereafter only on such days in each week as the Minister may by order prescribe.

Hunting, disposal, etc., of game birds.
56/1960
S. 2(c).

(2) Every person who—

- (a) hunts any game bird, either

WILD LIFE PROTECTION

- (i) during the close season; or
 - (ii) during the shooting season on any day other than the first day thereof or a day prescribed under subsection (1);
- (b) takes or has in his possession for sale, hawks, offers for sale or sells, or stores in any commercial cold storage, any game bird,
- shall be guilty of an offence against this Act.

(3) Any Game Warden or Constable who has reasonable cause to suspect that game birds are being stored in any commercial cold storage may (without prejudice to any other powers conferred on him by this Act) at any reasonable time enter and inspect such cold storage and may seize and detain for the purpose of proceedings under this Act any game birds found therein.

Taking
turtle eggs.

8. Every person who—
- (a) takes or attempts to take; or
 - (b) sells or has in his possession for the purpose of sale,
- any turtle eggs shall be guilty of an offence against this Act.

Fish

Taking
immature
fish.

- 9.—(1) Every person who—
- (a) takes or attempts to take; or
 - (b) knowingly kills or injures or attempts to kill or injure; or
 - (c) knowingly buys, sells, exposes for sale or has in his possession,
- fish which is immature shall be guilty of an offence against this Act.

(2) Paragraph (a) of subsection (1) shall not apply to any person who takes a fish accidentally and returns it to the water with the least possible delay.

(3) For the purposes of this section a fish is immature if it is of a size smaller than the size prescribed by any regulations made under section 14.

10. Every person who—

- (a) uses, or causes to be used, dynamite or other explosive substance with intent thereby to take, kill or injure fish in any water; or
- (b) places or causes to be placed any poison, lime or noxious material in any water with intent thereby to take, kill or injure fish that may then be or may thereafter be put therein; or
- (c) unlawfully and maliciously cuts through, breaks down or otherwise damages or destroys any dam, floodgate or sluice with intent thereby to take, kill or injure fish; or
- (d) uses or causes to be used in any river, stream or canal any trap other than an authorized trap, shall be guilty of an offence against this Act.

Dynamite and other noxious materials.

11. Notwithstanding anything to the contrary every person who causes or knowingly permits to flow or puts or knowingly permits to be put, whether directly or indirectly, into any harbour, river, stream, canal, lagoon or estuary, containing fish, any trade effluent or industrial waste from any factory shall be guilty of an offence against this section and shall, upon conviction before a Resident Magistrate, be liable to a fine not exceeding five hundred dollars or to imprisonment with hard labour for any period not exceeding twelve months.

Protection of waters containing fish from trade effluents.

12. Every person who knowingly buys, sells or has in his possession fish taken, killed or injured in contravention of the provisions of this Act or of any regulations made thereunder shall be guilty of an offence against this Act.

Dealings with fish taken, killed or injured contrary to this Act.

General

Appointment of officers. 13. The Governor-General may from time to time appoint Game Wardens, Fishery Inspectors and such other officers as he may deem necessary or expedient for carrying out the provisions of this Act.

Regulations. 14.—(1) The Minister may make regulations generally for the better carrying out of the provisions of this Act.

(2) Regulations made under this section may, without prejudice to the generality of the power conferred by subsection (1)—

Second and Third Schedules.

- (a) alter or amend the Second and Third Schedules;
- (b) control either generally or for any specified period or periods the taking of any fish or of any specified species of fish either throughout the Island or in any specified water or area;
- (c) make provision for the stocking of any water with fish and for the establishment and control of fish sanctuaries and hatcheries;
- (d) control either generally or in respect of any specified water or area the methods and traps which may be employed in hunting any animal or bird or in taking any fish;
- (e) restrict or impose conditions in respect of the keeping of any animal, bird or fish in captivity;
- (f) limit the number of game birds or fish which may be hunted or taken by any one person in any one day;
- (g) require persons to render returns containing such information as may be specified;
- (h) prescribe the form and make provision for the issue of licences and the fees therefor.

Power to enter lands.

15.—(1) Any Fishery Inspector may for the purpose of—
(a) stocking any water with fish; or

(b) inspecting any water containing fish, at all reasonable times of the day enter, remain upon and traverse any lands.

(2) Any Game Warden, Fishery Inspector or Constable may, where he has reason to suspect that any offence against this Act or against any regulations made thereunder is being committed or is about to be committed, at any time of the day or night enter, remain upon and traverse any lands.

(3) Every person who refuses to admit or obstructs—

(a) any Fishery Inspector in the exercise of any of the powers conferred by subsection (1); or

(b) any Game Warden, Fishery Inspector or Constable in the exercise of any of the powers conferred by subsection (2),

shall be guilty of an offence against this Act.

16. Any Game Warden, Fishery Inspector or Constable may in any public place or on any Crown lands or in any Game Sanctuary or Fish Sanctuary, search any person whom he may have reasonable cause to suspect of having contravened any of the provisions of this Act or of any regulations made thereunder, and may stop and search any vehicle, boat or other conveyance in or upon which he has good cause to suspect that there is any animal, bird or fish or the nest or egg of any bird in respect of which any offence against this Act or any regulations made thereunder has been committed or in or upon which he has reasonable cause to suspect that there is any gun, catapult or other weapon or any trap used in the commission of any such offence.

Power of search.

17. Where any person is found committing, or is reasonably suspected of being engaged in committing an offence against this Act or any regulations made thereunder, any

Arrest without warrant.

Game Warden, Fishery Inspector or Constable may without warrant stop and detain him, and if his name and address are not known and he fails to give them to the satisfaction of the Game Warden, Fishery Inspector or Constable such Game Warden, Fishery Inspector, or Constable, may without warrant apprehend him and, where such arrest is effected by a Game Warden or Fishery Inspector, shall forthwith deliver him into custody at the nearest police station to be dealt with according to law.

Persons
found
offending.

18. Where any person is found offending against this Act or against any regulations made thereunder, any other person may require the offender to give his name, description and place of abode, and in case the offender does not truly give his name, description and place of abode, such offender shall, in addition to any other penalty to which he may be liable under this Act, be liable to a fine not exceeding ten dollars and in default of payment to be imprisoned with hard labour for any period not exceeding two months.

Penalty for
assaulting
Game
Warden,
Fishery
Inspector or
Constable.

19. Every person who—

- (a) assaults, obstructs, hinders or resists; or
- (b) aids, abets or incites any other person to assault, obstruct, hinder or resist,

any Game Warden, Fishery Inspector or Constable in the execution of his duty under this Act shall be guilty of an offence against this Act.

Penalty for
offences
generally.

20. Every person guilty of an offence against this Act for which no special punishment is provided by this Act shall, upon summary conviction be liable to a fine not exceeding one hundred dollars or in default of payment thereof to imprisonment with hard labour for any period not exceeding six months.

Jurisdiction
over
offences
committed at
sea.

21. Any offence against this Act committed at sea within three miles of the limits of any parish shall be deemed to

have been committed in any place adjoining such sea and may be tried and punished accordingly.

22. Notwithstanding anything to the contrary contained in this Act, the Minister may, by writing under his hand for purposes of conservation or for scientific, historic or educational purposes, exempt either absolutely or for such time and subject to such conditions as he may think fit, any person or institution from all or any of the provisions of this Act.

Power to exempt from provisions of Act.

23.—(1) Any animal, bird or fish or any part thereof in respect of which there is a conviction for an offence against this Act shall be forfeited to the Crown.

Forfeiture of things seized.

(2) Any boat, gun, catapult or other weapon or any trap used in the commission of any offence against this Act in respect of which there is a conviction may, in the discretion of the court be forfeited to the Crown.

WILD LIFE PROTECTION**FIRST SCHEDULE** (Sections 2 and 3)**Game Sanctuaries**

All Forest Reserves, except the Peak Bay Forest Reserve as described in the First Schedule to the Forest (Crown Lands) Order.

SECOND SCHEDULE (Section 2)**FIRST PART**

56/1960 S. 2(d).	Long-tailed Peadove	(<i>Zenaida macroura</i>)
	Ground dove	(<i>Columbigallina passerina</i>)
	Whitewing	(<i>Zenaida asiatica</i>)
	Baldpate	(<i>Columba leucocephala</i>)
	Whitebelly	(<i>Leptotila jamaicensis</i>)
	Caribbean coot	(<i>Fulica caribaea</i>)
	American coot	(<i>Fulica americana</i>)
	Snipe	(<i>Charadrius wilsonia</i>)
	Plover or Lapwing	(<i>Squatarola squatarola</i>)
	Ducks	All migratory species

SECOND PART

	Jabbering Crow	(<i>Corvus jamaicensis</i>)
	Pigeon Hawk	(<i>Falco columbarius</i>)
	Chicken Hawk	(<i>Buteo jamaicensis</i>)
	Guiana Parrotlet	(<i>Forpus passerinus</i>)
	Paroquet	(<i>Aratinga nana</i>)
	Petchary	(<i>Tyrannus dominicensis</i>)
	Starling	(<i>Sturnus vulgaris</i>)
	Kling-Kling	(<i>Quiscalus niger</i>)
L.N. 308/1968.	Peadove	(<i>Zenaida aurita</i>)
	Water Hen	(<i>Gallinula chloropus</i>)

THIRD SCHEDULE (Section 2)

	Coney
L.N. 24/1971.	Crocodile
	Iguana
	Manatee
	Pedro Seal
L.N. 58/1982.	Green Turtle (<i>Chelonia mydas</i>)
	Hawksbill Turtle (<i>Eretmochelys imbricate</i>)
	Loggerhead Turtle (<i>Caretta Caretta</i>)
	Atlantic Ridley (<i>Lepi dochelys kemp</i>)
	Atlantic Leatherback (<i>Dermochelys coriacea</i>)
L.N. 45/1988.	Giant Swallowtail Butterfly
	Yellow Snake
	Black Coral (<i>Antipathes species</i>)
	White Coral (<i>Scleractinian or Madreporarian</i>)