

A Pocket Guide to Environmental and Planning Laws of Jamaica



**Natural Resources Conservation Authority/
National Environment and Planning Agency
2010**

Reprinted by:

The National Resources Conservation Authority/
National Environment and Planning Agency
10-11 Caledonia Avenue, Kingston 5, Jamaica
Tel: (876) 754-7540
Fax: (876) 754-7595-6
Hotline: 1-888-991-5005
Email: pubed@nepa.gov.jm
Website: www.nepa.gov.jm

Revised Edition 2010

The National Environment and Planning Agency is the lead agency with the mandate for Environmental Protection, Natural Resource Management, Land Use and Spatial Planning.

Acknowledgements



Special thanks to all those who contributed:

NEPA Legal Division
National Environmental Education Committee (NEEC) Secretariat
GOJ/CIDA Environmental Action (ENACT) Programme
Ridge to Reef Watershed Project
Norman Manley Law School Students participating in the 2004 In-service Training Programme

— — — *The 2010 revision and reprinting is supported by the GEF-IWCAM/NEPA Project*

TABLE OF CONTENTS

Acknowledgements	i
TABLE OF CONTENTS	ii
Abbreviations and Acronyms	vi
Introduction	1
The Natural Resources Conservation Authority/National Environment and Planning Agency	2
The Aquaculture, Inland and Marine Products and By-Products (Inspection, Licensing and Export) Act (1999).....	3
The Aquaculture, Inland and Marine Products and By-Products (Inspection, Licensing and Export) Regulations (2000).....	8
Beach Control Act (1956).....	9
The Beach Control (Hotel, Commercial and Public Recreational Beaches) Regulations (1978).....	11
The Beach Control (Licencing) Regulations (1956)	13
The Beach Control (Safety Measures) Regulations (1957)	14
The Clean Air Act (1964)	16
The Country Fires Act (1942).....	19
The Endangered Species (Protection, Conservation, and Regulation of Trade) Act (2000)	22
The Exclusive Economic Zone Act (1993)	25
The Fishing Industry Act (1976).....	28
The Fishing Industry Regulations (1976).....	32

The Fishing Industry (Conservation of Conch (Genus Strombus)), Regulations (2000)	33
The Flood Water Control Act (1958).....	35
The Forest Act (1996).....	37
The Forest Regulations (2001).....	41
The Jamaica National Heritage Trust Act (1985)	47
The Land Development and Utilisation Act (1966).....	49
The Local Improvements Act (1914)	51
The Maritime Areas Act (1996).....	53
The National Solid Waste Management Act (2001)	56
The National Solid Waste Management (Public Cleanliness) Regulations (2003).....	63
The Natural Resources Conservation Authority Act (1991).....	64
The Natural Resources (Hazardous Waste) (Control of Transboundary Movement) Regulations (2003)	68
The Natural Resources (Marine Park) Regulations (1992)	71
The Natural Resources (National Park) Regulations (1993)	77
The Natural Resources (Permit and Licences) Regulations (1996)	85
The Pesticides Act (1987)	86
The Public Health Act (1985).....	89
The Public Health (Nuisance) Regulations (1995)	91
The Quarries Control Act (1984)	93
The Quarries Control (Amendment) Act (1994).....	93
The Town and Country Planning Act (1958)	97

The Town and Country (Control of Advertisements) Regulations 1978.....	99
The Trade Act (1955).....	100
The Water Resources Act (1995)	102
The Watersheds Protection Act (1963).....	105
The Wildlife Protection Act (1945) and	107
The Wildlife Protection (Amendment) Act Order (1998)	107
The Wildlife Protection (Game Bird Hunting Limit) Regulations (1992).....	111
The Wildlife Protection (Hunters Licences) Regulations (1973)	112
The Wildlife Protection (Hunters Returns) Regulations (1999).....	113
The Wildlife Protection (Shooting Season) Order	114
Enforcement Procedures	115
Enforcement Procedures – Entry	116
Enforcement Procedures – Questioning a Witness	117
Enforcement Procedures – Service of Notices	118
Enforcement Procedures – Search.....	120
Enforcement Procedures – Seizure and Detention.....	122
Enforcement Procedures – Arrest.....	125
Enforcement Procedures – Caution.....	127
Information	128
National Solid Waste Management Authority Fixed Penalty Notice	133
Sampling Procedures.....	139
Common Offences	142

Prescribed Activities under the Natural Resources Conservation (Permit and Licences) Regulations (1996)	145
Categories of Wastes Controlled under the Natural Resources (Hazardous Waste) (Control of Transboundary Movement) Regulations (2003)	150
Categories of Structures and types of Commercial Activities under the Beach Control (Licensing) (Amendment) Regulations (1999)	153
Restricted Pesticides	154
Game Reserves	156
Animals Protected under the Wildlife Protection Act (1945) and Amendments	158
Location of Lead Agencies	159
Court Addresses	163
Police Stations	165
References	166

Abbreviations and Acronyms

Abbreviations

CC	Circuit Court
HL	Hard Labour
IMP	Term of Imprisonment
In default	In default of payment of fine
m	Million
mths	Months
Sec	Section
w/	With
w/out	Without
yr(s)	Year(s)

Acronyms

EIA	Environmental Impact Assessment
ISCF	Island Special Constabulary Force
JCF	Jamaica Constabulary Force
JDF	Jamaica Defence Force
NEPA	National Environment and Planning Agency
NRCA	Natural Resources Conservation Authority
NSWMA	National Solid Waste Management Authority

Please note that all penalties indicated throughout the Pocket Guide are the maximum penalty that can be ordered by the Judge.

Unless otherwise specified, penalties are those imposed by the Resident Magistrate Court.

Introduction

Natural resources are critical to social well-being and economic prosperity. A large number of Acts and Regulations exist to ensure the conservation and protection of Jamaica's natural resources. The enforcement of environmental legislation in Jamaica can be described as difficult and time consuming due mainly to insufficient human and financial resources to provide comprehensive protection; lack of knowledge on the part of the persons given the task of enforcing the relevant legislation; and inadequate penalties provided by Acts and Regulations.

The creation of this Pocket Guide to Environmental and Planning laws of Jamaica is part of the effort to improve enforcement capabilities with respect to environmental and planning legislation. The Pocket Guide is a companion document to the Enforcement and Compliance Manual produced by NEPA.

The Pocket Guide is intended to serve as a tool to assist you as an environmental enforcement officer to work more efficiently and effectively by providing easy access to the various offences that are now listed in Jamaica's environmental legislation. You can, therefore, easily identify infractions out in the field as well as enforcement procedures and various powers under the Law. Note, however, that this Pocket Guide is merely a reference to the actual legislation. The original legislation is what you must take to Court, and not the Pocket Guide. The original legislation is the final authority in all instances.

The Natural Resources Conservation Authority/National Environment and Planning Agency

The Natural Resources Conservation Authority/National Environment and Planning Agency is the agency which oversees the following Acts and accompanying Regulations:

- The Beach Control Act
- The Endangered Species (Protection, Conservation and Regulation of Trade) Act
- The Land Development and Utilisation Act
- The Natural Resources Conservation Authority Act
- The Town and Country Planning Act
- The Watersheds Protection Act
- The Wildlife Protection Act

Each of these Acts and in some instances the accompanying Regulations have designated personnel who are given the responsibility of, and the required power to ensure compliance with the legislation. In addition to NEPA personnel, other such designated personnel are: Forest Officers, Fishing Inspectors, Game Wardens, Inspectors, Marine Officers, Marine Park Rangers, National Park Rangers member of the Jamaica Constabulary Force, member of the Jamaica Defence Force, and Traffic Warden. These officers also have responsibility under other legislation specific to their mandate.

The Aquaculture, Inland and Marine Products and By-Products (Inspection, Licensing and Export) Act (1999)

The Act seeks to advance public health and safety standards in the harvesting, processing, handling and export of aquaculture, inland and marine products and their by-products. The Aquaculture Act and Regulations are administered by the Veterinary Services Division of the Ministry of Agriculture.

SEC	DESIGNATED PERSONNEL	POWER
4	Inspector or public officer appointed by the Minister.	1) To enter premises and inspect processing establishments, vessels, facilities, and equipment to ensure compliance with the Act.
5	'Authorized officer' means any member of the JCF or the JDF; any public officer designated a Fishery Inspector under the Fishing Industry Act, or Marine Officer under the Exclusive Economic Zone Act and The Maritime Areas Act; any inspector appointed by the Minister.	2) To certify any aquaculture, inland or marine product or its by-product for export. 3) To open and examine, inspect any container, vehicle or storage device at a licensed processing establishment. 4) Take samples, give directions

		and make copies of records.
33	<i>Same as above</i>	Enter at reasonable times the business of persons exporting aquaculture, marine products and by-products, inspect books, certificates, records or things, seize and detain such products and equipment
34	<i>Same as above</i>	W/out a warrant seize and detain aquaculture, marine products and by products. or any specified equipment where suspect used in commission of offence
36	<i>Same as above</i>	With search warrant enter and search premises and seize and/or detain any aquaculture, inland or marine products, held in contravention of the Act.

The Act makes it an offence to:

SEC	OFFENCE	PENALTY
24	Export any aquaculture, inland, or marine product or its by-product without a valid licence or export health certificate from the Veterinary Services Division.	\$1,000,000 and/or IMP 2 yrs. Subsequent offences: \$50,000 per day.
25	Export or process for export in any factory, freezer/carrier vessel or processing facility any aquaculture, inland or marine product or its by-product or operate plant in contravention of the Act and Regulations.	\$1,000,000 and/or IMP 2 yrs. Subsequent offences: \$50,000 per day.
26	Harvest, handle or process for export, any aquaculture, inland, or marine product or its by-product in an area not approved by the Veterinary Services Division.	\$1,000,000 and/or IMP 2 yrs. Subsequent offences: \$50,000 per day.

27	Export any aquaculture, inland or marine product or its by-product without an identification number affixed to the packaging.	\$400,000 and/or IMP 6 mths
28	Operate a business for the purpose of export of aquaculture, inland or marine products or their by-products without a licence.	\$2,000,000 and/or IMP 3 yrs; Subsequent offences \$100,000 per day.
29	For any authorized officer to accept a bribe or falsify any record or report.	\$1,000,000 and/or IMP 12 mths
30	Make false/misleading statements/declarations to obtain a licence.	\$2,000,000 and/or IMP 3 yrs
31	Threaten, assault or obstruct an Authorized Officer acting in the execution of his duties.	\$200,000 and/or IMP 12 mths

32	Fail to keep records or produce books or documents required by the Act or Regulations.	\$200,000 and/or IMP 6 mths
----	--	-----------------------------

Definitions

“**Aquaculture**” means the controlled propagation, growth or harvest of aquatic animals or plants including fish, amphibians, shellfish, molluscs, crustaceans, algae and vascular plants and includes seawater or fresh water fish or crustaceans caught in their natural environment when juvenile.

“**By-product**” means any part of an aquaculture, inland or marine product that is processed in whole or in part for export.

“**Marine product**” includes fish, lobster, conch, bivalve molluscs, marine gastropods, shrimp and all aquatic animals or the parts thereof and their roe.

“**Identification Number**” means the number assigned to each licence operating certificate, licensed establishment or licensed vessel.

The Aquaculture, Inland and Marine Products and By-Products (Inspection, Licensing and Export) Regulations (2000)

The Aquaculture, Inland and Marine Products and By-Products (Inspection, Licensing and Export) Regulations 2000 specifies the minimum standards for processing establishments, facilities, procedures and equipment engaged in the production, harvesting, processing, handling, storage and transport for export of aquaculture, inland and marine products and their by-products.

For more information please contact the Veterinary Services Division of the Ministry of Agriculture



Beach Control Act (1956)

Beach Control (Amendment) Act (2004)

The Beach Control Act and Regulations ensure the proper management of Jamaica's coastal and marine resources by a system of licensing of activities on the foreshore and the floor of the sea. The Act also addresses other issues such as access to the shoreline, and other rights associated with fishing and public recreation, as well as the establishment of marine protected areas. The Beach Control Act and Regulations are administered by the Natural Resources Conservation Authority/National Environment and Planning Agency.

The Act makes it an offence to:

SEC	OFFENCE	PENALTY
5	Encroach on or use the foreshore or floor of the sea for a public or commercial purpose, trade, business or commercial enterprise without a licence	IMP 1 yr w/ or w/out HL or \$500,000. In default: IMP 1 year w/ or w/out HL or both fine and IMP.
7 (5)	Conserve, protect or rehabilitate protected area without licence	\$500,000

52(4)	<ul style="list-style-type: none"> ▪ Prevent any member of public who is behaving in a proper manner from entering or using public recreational beach or adjoining lands 	\$50,000 or IMP 6 mths w/ HL
	<ul style="list-style-type: none"> ▪ Charge more than prescribed fee to enter public recreational beach 	\$500,000
	<ul style="list-style-type: none"> ▪ Eject paying member of public from beach for reasons other than misconduct 	\$500,000
	<ul style="list-style-type: none"> ▪ Annoy paying member of public to the extent that they leave beach 	\$500,000



The Beach Control (Hotel, Commercial and Public Recreational Beaches) Regulations (1978)

The Regulations make it an offence to:

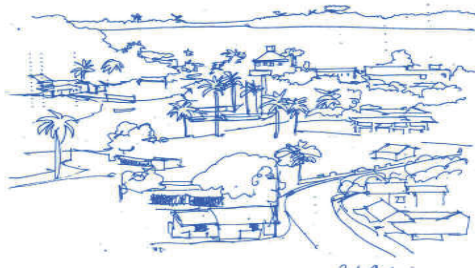
SEC	OFFENCE	PENALTY
5	Empty bottles or other litter or rubbish on to the beach	\$50 or IMP 3 mths
8	Swim in a licensed area outside of opening hours	\$50 or IMP 3 mths
11	Indecently expose oneself	\$50 or IMP 3 mths
12	a) Sell, distribute or expose for sale any goods or animals b) Clean or dress any animal c) Saw, bore or cut timber or stone or make, paint any material d) Make, dress up/paint article/material	\$50 or IMP 3 mths w/ or w/out HL
13	a) Use abusive or threatening language to any person b) Behave in disorderly manner c) Assault licensee or agent d) Wantonly discharge firearm	

	e) Set/throw fireworks, stone/missile f) Make fire other than on a grill or stove	\$50.00 \$50.00
14	Use artificial flotation device without permission from licensee	\$50 or IMP 3 mths

The Beach Control (Licensing) Regulations (1956)

These Regulations govern the procedure for application of a beach licence and designate the personnel who can monitor the licensee's activities pursuant to the Regulations

SEC	DESIGNATED PERSONNEL	POWER
8	Member of the Natural Resources Conservation Authority or any officer authorised by the Authority	Enter land and inspect premises; conduct investigations to ensure compliance with licence; and require information to be furnished.



The Beach Control (Safety Measures) Regulations (1957)

SEC	DESIGNATED PERSONNEL	POWER
3(c)	Chairman of the Authority or any person authorised by the Chairman	Enter beach at reasonable time to inspect condition of lifeguard equipment

The Regulations makes it an offence to:

SEC	OFFENCE	PENALTY
3	<p>For a licensee or his agent to:</p> <ul style="list-style-type: none"> a) Fail to keep all life-saving appliances prescribed by the Authority in good working order b) Fail to keep life-saving appliances in good condition and accessible to public c) Prevent authorised personnel from inspecting position of appliances d) & (e) Fail to have life-guard present and in uniform f) Allow unaccompanied child under 12 years to use beach g) & (h) Permit spear fishing or boating over 3 knots 	\$200 or IMP 1 yr

5	<p>On a commercial or public beach to:</p> <ul style="list-style-type: none"> a) Damage or destroy life-saving appliances b) Spear fish in licensed area c) Operate boat/vessel at speed over 3 knots in licensed area 	\$200 or IMP 1 yr
---	---	-------------------



The Clean Air Act (1964)

The Clean Air Act is designed to control air pollution by regulating the amount of any noxious or offensive gas, which is permitted to escape or is discharged from any affected premises into the air. The Clean Air Act is administered by the Ministry of Health.

SEC	DESIGNATED PERSONNEL	POWER
5 & 6	'Inspector' means any person appointed by the Minister	Enter, inspect or examine premises where work is being carried out and take samples, tests of smoke, fumes, gas or dust or make inquiries. <u>On production of identification :</u> Enquire whether best practical means has been adopted.

The Act makes it an offence for the owner of affected premises to:

SEC	OFFENCE	PENALTY
5(3)	Obstruct an inspector in the course of carrying out his duties. Fail to provide an inspector with relevant information as requested.	\$200 or IMP 3 mths in default. <u>Continuing Offence</u> : up to \$10 per day or IMP up to 2 mths in default
6(5)	Fail to comply with an order by the Central Board of Health to remedy the discharge or escape of any noxious or offensive gas into the air by best practical means.	\$200 or IMP 3 mths in default. <u>Continuing Offence</u> : up to \$10 per day or IMP up to 2 mths in default

Definitions

"Affected premises" means any premises with industrial works, the operation of which is in the opinion of an inspector likely to result in the discharge of smoke, fumes, gases or dust into the air.

"Best practicable means" where used with respect to the prevention of the escape or discharge of noxious and offensive gases or to the rendering of such gases where discharged harmless or inoffensive has reference not only to the provision and efficient maintenance of appliances...but also to the manner in which appliances are used and to the proper supervision by the owner of the operation in which such gases are evolved.

The Country Fires Act (1942)

The Country Fires Act is designed to control and prevent the occurrence of fires which may be harmful to the surrounding environment. The Country Fires Act is administered by the Ministry of Agriculture.

SEC	DESIGNATED PERSONNEL	POWERS
14	"Agricultural Warden" means any such person appointed under the Praedial Larceny (Prevention) Act; or agriculture extension officer of RADA or Forest Officer under the Forest Act.	1) Enter land containing fire or where it may spread to extinguish or prevent spread of fire 2) Call on all able-bodied males within reasonable distance of fire to assist in extinguishing or preventing spread of fire

The Act makes it an offence for any male to:

SEC	OFFENCE	PENALTY
3	Set fire to any crop except sugar cane to get rid of vines or pests	\$40 or IMP 3 mths w/ or w/out HL

4	Set fire to trash without serving officer of nearest police station and occupiers of adjoining land with notice or fails to clear open space around trash.	\$40 or IMP 3 mths w/ or w/out HL
5	a) Set fire to trash between 6 p.m. and 6 a.m. b) Leave open-air fire unattended.	\$40 or IMP 3 mths w/ or w/out HL
7	Knowingly give false information or make false statements to obtain permit.	\$40 or IMP 3 mths w/ or w/out HL
8	Set a fire contrary to order not to set fires or permit.	\$40 or IMP 3 mths w/ or w/out HL
9	The Act provides an exemption to set fire for eradicating diseases designated by Ministry of Agriculture and for any lime or charcoal kiln.	
11(2)	Failure by occupier of land to take reasonable steps to extinguish fire on his land.	\$40 or IMP 3 mths w/ or w/out HL
12	Carry insufficiently protected lit torch or material in/adjoining plantation.	\$40 or IMP 3 mths w/ or w/out HL
13	a) Negligently use or manage fire.	\$40 or IMP 3 mths w/ or w/out HL

	b) Smoke pipe, cigar or cigarette to endanger property or plantation.	
15(2)	Aid or abet the commission of an offence against Act.	\$40 or IMP 3 mths w/ or w/out HL

However in this Act extends to the Urban and Suburban districts of the Corporate Area as defined in the Kingston and St. Andrew Corporation Act, or to any town or district in which the Parochial Fire Brigade Act was in force immediately prior to the commencement of the Fire Brigade Act.

The Endangered Species (Protection, Conservation, and Regulation of Trade) Act (2000)

The Endangered Species Act provides for the protection and regulation of the trade of endangered species. The Act is administered by the Natural Resources Conservation Authority/National Environment and Planning Agency.

SEC	DESIGNATED PERSONNEL	POWER
45	Person designated by NRCA; Customs Officer; Game Warden; member of JCF or JDF; Fishery Inspector; Marine Officer; Inspector; Forest Officer; National and Marine Park Ranger.	<ol style="list-style-type: none">1. Enter and inspect business premises and records, permits or certificates at reasonable time to ensure compliance with Act2. Seize and detain equipment and samples
46	<i>Same as 45 above.</i>	Search with or without warrant vehicle, aircraft, vessel, article, container or storage facility with reasonable cause where an offence has been committed and seize and detain equipment where evidence is found to support non-compliance with Act

49	<i>Same as above</i>	With a search warrant enter and search premises and detain species or persons found therein where believe that the person is in illegal possession of species or a transaction may happen that is in contravention of the Act
-----------	----------------------	---

It is an offence to:

SEC	OFFENCE	PENALTY
40	Trade in any endangered species listed in the Schedule without a certificate or permit.	\$2,000,000 and/or IMP 2 yrs CC: Fine at discretion of High Court Judge and/or IMP 10 yrs
41	Enclose in or with a letter, parcel, package, or other postal item, or transport in van, aircraft, ship any endangered species in contravention of the Act.	<u>1st offence:</u> \$1,000,000 and/or IMP 1yr <u>2nd offence:</u> \$2,000,000 and/or IMP 2 yrs CC: IMP 10 yrs
42	a) Make false/misleading declaration/statement to get	\$1,000,000 and/or IMP 1 yr

	permit/certificate. b) Knowingly give, utter/produce false/misleading information/document. c) Unlawfully amend/falsify information in permit/certificate.	\$1,000,000 and/or IMP 1 yr \$1,000,000 and/or IMP 1 yr
43	Threaten, obstruct or assault authorized officer.	\$500,000 and/or IMP 1 yr
44	Fail to keep records or other documents or produce such documents without reasonable excuse	\$200,000 and/or IMP 3 mths

Definitions

“**Trade**” includes domestic trade, export, re-export-import and introduction from the sea.

The Exclusive Economic Zone Act (1993)

The Exclusive Economic Zone Act is designed to protect the living and non-living resources in the Exclusive Economic Zone. The Exclusive Economic Zone may extend up to 200 nautical miles measured from Jamaica's baseline. The Act is administered by the Ministry of Foreign Affairs and Foreign Trade.

SEC	DESIGNATED PERSONNEL	POWER
13(1)	"Marine Officer" means any officer employed to the Customs and Excise Department, any Game Warden approved as such under the Wildlife Protection Act, any member or officer of the JCF or JDF, any Public Officer designated a Fishery Inspector under the Fishing Industry Act and any other public officer designated a Marine Officer by the Minister.	Stop and board any vessel to investigate commission of an offence of unlawful exploitation of living or non-living resources, question persons on board or request licence, search vessel including fishing equipment. Officer to ensure person arrested brought to nearest port and before Resident Magistrate
13(2)	<i>Same as 13(1) above</i>	Without a warrant seize and

		detain any vessel, equipment used to commit offence and person who contravenes Act
--	--	--

It is an offence in the Exclusive Economic Zone to:

SEC	OFFENCE	PENALTY
6	Without a Licence: 1) Explore or exploit living resources. 2) Use vessel to explore or exploit living resources.	<u>1st offence:</u> \$50,000 CC: \$250,000 <u>Subsequent offences:</u> \$500,000
7(1)	Without a Licence: a) Explore for or exploit any non-living creatures. b) Carry out search, excavation or recovery of archaeological or historical object. c) Conduct research. d) Carry out economic activity.	Person – CC: <u>1st offence:</u> \$250,000 and/or IMP 5 yrs <u>2nd offence:</u> \$500,000 and/or IMP 10 yrs <u>Continuing offence:</u> \$25,000 per day Company – 1st offence: \$500,000 <u>Subsequent offences:</u> \$1,000,000 <u>Continuing offence:</u> \$50,000 per day In addition, court may order the

		forfeiture of any vessel, equipment or device used in offence.
7(2)	Explore for or exploit non-living resources	<p><u>Person</u> – \$50,000 and/or IMP 3 yrs CC: \$250,000 and/or IMP 5 yrs</p> <p><u>Company</u> – \$75,000 CC: \$500,000</p>
18	<ul style="list-style-type: none"> a) Refuse, neglect or fail to comply with directions of authorised officer b) Refuse or fail to produce licence c) Refuse without reasonable cause to provide explanation d) Assault/obstruct authorised officer e) Remove, alter or interfere with seized item without permission 	\$2,000 and/or IMP 1 yr

The Fishing Industry Act (1976)

The Fishing Industry Act and Regulations provide for the management of Jamaica's fisheries resources and regulates fishing methods. The Fishing Industry Act and Regulations are administered by the Fisheries Division of the Ministry of Agriculture.

SEC	DESIGNATED PERSONNEL	POWERS
20	"Fishery Inspector" means any public officer appointed to be a Fishery Inspector under this Act, Game Warden approved under the Wild Life Protection Act, Officer of JCF, JDF.	(1) Enter fishing boat to check for valid licence and identification from person in charge of boat. (2) Examine fishing equipment being used.
21	<i>Same as 20 above.</i>	Seize with/without warrant any boat, equipment being used to commit an offence against the Act; Require production of licence.

The Act makes it is an offence to:

SEC	OFFENCE	PENALTY
3	Fish in Jamaica without a valid licence	\$1,000; IMP 1 yr in default
7	Travel without identification while fishing in Jamaica	\$20; IMP 1 mth in default
8	Use an unregistered boat to fish	\$200 or IMP 6 mths
11(5)	Fail to display registered mark on boat and produce licence when requested by fishery inspector DEFENCE: not within owners knowledge and had taken reasonable steps to comply and produce licence within 5 days	\$20; IMP 1 mth in default
14	Fail to report boat that has been lost, destroyed, permanently unserviceable or altering of physical appearance.	\$50; IMP 3 mths in default
18	Fish or attempt to fish in fish sanctuary DEFENCE: If fish taken accidentally and returned to sea without delay.	\$500 or IMP 3 mths in default

19	During any close season – take, disturb or injure fish	\$500 or IMP 6 mths
20(2)	<ul style="list-style-type: none"> a) Refuse, neglect or fail to follow directions b) Refuse to produce licence on request c) Refuse to give explanation to Fishery Inspector d) Assault or obstruct Fishery Inspector e) Refuse to produce identification to inspector (see defence above) 	\$500 and/or IMP 1 yr in default
22	Unlawfully remove, take away, possess, destroy, damage, or displace boat or other fishing equipment, buoy or mark of another person.	\$1,000 or IMP 1 yr
23	Knowingly land, sell, buy or possess fish taken or killed contrary to the Act.	\$1,000 or IMP 1 yr

24	Fail to: a) Keep register of fishermen in crew b) Make arrangements for food and drink for crew c) Make arrangements for rescue crew in bad weather d) Make arrangements for payment of fines incurred by crew e) Keep register of fishermen transported	\$100 or IMP 3 mths \$500 or IMP 6 mths \$5,000 or IMP 1 yr \$5,000 or IMP 1 yr \$100 or IMP 3 mths
----	---	---

Definitions

“Fishing” means catching or attempting to catch any fish in any manner whatsoever and includes killing, gathering or destroying any fish

The Fishing Industry Regulations (1976)

It is an offence to:

SEC	OFFENCE	PENALTY
14(1)	a) Catch, destroy or land berried lobster b) Catch, destroy or land spiny lobster smaller than 3 inches (7.5 cm) c) Use fry or shove net bigger than 3.66 metres (12 feet)	\$500; IMP 6 mths in default
14(2)	Use seine with bunt of less than 1 ¼ inches (3 1/8 cm) wide and wing of 2 inches (5 cm) when fully stretched	\$500; IMP 6 mths in default



The Fishing Industry (Conservation of Conch (Genus Strombus)), Regulations (2000)

SEC	DESIGNATED PERSONNEL	POWERS
8	Fishery Inspector	Enter premises, request information, give directions, examine conch meat, determine whether quota is exceeded and remove conch meat or prevent sale.

It is an offence to:

SEC	OFFENCE	PENALTY
4(1)	Land more than the individual conch quota of fifty percent cleaned conch.	\$1,000 and/or IMP 3 mths

SEC	OFFENCE	PENALTY
5(1) & 6	Non-declaration of conch held in commercial cold storage, hotel, eating establishment prior to the beginning of the close season. Sell, process or import conch during the close season once not declared.	\$1,000 and/or IMP 3 mths
8	a) Assault or obstruct a Fishery Inspector b) Refuse to give reasonable cause or explanation requested by Fishery Inspector c) Refuse to comply with direction of Fishery Inspector	\$500; IMP 1 yr in default
10	Fish, collect or offer for sale immature conch.	\$1,000 and/or IMP 3 mths
12	Fish in a Fishery Management Area where fishing is prohibited.	\$1,000 and/or IMP 3 mths
13	Fail to fill out declaration.	\$1,000 and/or IMP 3 mths

The Flood Water Control Act (1958)

The Flood Water Control Act provides for the management of watercourses to protect against floodwater damage. The Flood Water Control Act is administered by the National Works Agency.

SEC	DESIGNATED PERSONNEL	POWERS
10	"Undertakers of a scheme" means any Government department; or Government agency; or any statutory body or authority appointed by the Minister.	Enter land in flood-water control area to: <ul style="list-style-type: none">▪ Survey, measure, alter or regulate watercourses, maintain or bring tools required to undertake works▪ Clean and clear watercourses and remove debris or any obstruction from such watercourses▪ Construct, improve, repair or maintain floodwater control works

The Act makes it an offence to:

SEC	OFFENCE	PENALTY
16 (a) & (b)	<ul style="list-style-type: none">▪ Obstruct, molest or hinder any worker or agent of a scheme or undertaker from carrying out their duties▪ Wilfully or maliciously block, obstruct, encroach on or damage any watercourse, pipes or appliances used to execute works under the Act	\$50; IMP 3 mths w/ HL in default



The Forest Act (1996)

The Forest Act and Regulations provide for the protection and management of designated forest reserves. The Forest Act and Regulations are administered by the Forestry Department.

SEC	DESIGNATED PERSONNEL	POWER
24	"Authorized officer" means a Forest Officer, a member of the JCF or any other person designated as such by the Minister	Enter and inspect lands in a forest reserve, Forest Management/Protected Area or lands which need to be declared.
27(1) & 29	<i>Same as 24 above.</i>	Enter premises in forest reserve, forest management/protected area at reasonable time to ensure compliance with Act and Regulations Enter any premises where there is reasonable cause to believe that illegal forest produce is stored. Where requested officer must produce identification. Entry upon private land requires consent of owner and 3 days notice.

32	"Forest Officer" means the Conservator and any person appointed as such.	Arrest without a warrant if person reasonably suspected of committing offence if believes person will not respond to Summons.
33	"Forest Officer" means the Conservator and any person appointed as such	W/out warrant search any conveyance and seize forest produce and equipment where offence is committed

It is an offence in a forest reserve, forest management area or protected area to:

SEC	OFFENCE	PENALTY
30	Cut a tree (in forest reserve) without valid permit	\$500,000 and/or IMP 2 yrs

31(1)	<ul style="list-style-type: none"> a) Fell, cut, girdle, mark, lop, tap, uproot, burn, damage, debark, strip/remove leaves of a tree. b) Wilfully/negligently damage tree to fell, cut or drag timber. c) Kindle, keep, or carry lit material. d) Drop any match or other inflammable material without cause. e) Clear, cultivate or break up land. f) Establish or carry on forest industry. g) Carry a saw, axe, adze, auger/cutlass. h) Remove soil, gravel or sand. i) Kill wound/capture wild animal or bird. 	\$200,000; IMP 2 yrs in default
--------------	---	---------------------------------

31(2) & 27 (2)	<ul style="list-style-type: none"> a) Erect structure, remove forest produce, or carry firearm. b) Possess tool to counterfeit forest officer's mark. c) Unlawfully/illegally affix forest officer mark to any tree/timber. d) Alter, deface/obliterate mark placed by forest officer on tree/timber. e) Pasture/allow cattle trespass. f) Damage/remove notice board, landmark/wall g) Assault/obstruct forest officer, constable. 	\$100,000; IMP 1 yr in default
-------------------------------	--	--------------------------------

Definitions

"Forest reserve" means any area of land declared by or under this Act to be a forest reserve.

For list of Forest Reserves, Forest Management Areas and Protected Areas contact the Forestry Department (see page 158 for contact information).

The Forest Regulations (2001)

SEC	DESIGNATED PERSONNEL	POWER
18	"Authorized officer" means a forest officer, a member of the Jamaica Constabulary Force or any other person designated as such by the Minister;	Drive, sell cattle from Forest Reserve, Forest Management Area or Protected Area; Slaughter cattle if presents threat and if humane.
30	<i>Same as above</i>	Enter premises other than a dwelling house without a warrant to obtain information on the type, quantity and source of timber or forest produce stored thereon.
34	<i>Same as above.</i>	Stop and search without a warrant any vehicle on or off a road or highway to ensure compliance with the Act and Regulations.

The Regulations make it an offence in a forest estate to:

SEC	OFFENCE	PENALTY
5(1)	Use forest road without a permit.	\$50,000 or IMP 1 yr
5(4)	Transfer road use permit.	\$50,000 or IMP 1 yr
5(5)	Fail to carry a permit with serial number.	\$50,000 or IMP 1 yr
12(b)	Use a Road Closed by Conservator.	\$50,000 or IMP 1 yr
12(c)	Construct or modify a road.	\$50,000 or IMP 1 yr
12(d)	Failure to maintain a forest road.	\$50,000 or IMP 1 yr
12(e)	Connect a private road to the road in the forest Reserve without permission.	\$50,000 or IMP 1 yr
13	Light/make use of open fire/charcoal kiln without burning permit.	\$50,000 or IMP 1 yr
18	Cause, drive/allow livestock/cattle to wander, stray on a forest estate.	\$50,000 or IMP 1 yr

19	Trespass or illegally occupy forest estate.	\$50,000 or IMP 1 yr
22(4)	Disobey conditions of timber licence.	\$50,000 or IMP 1 yr
23(4)	Fail to produce permit to remove timber or forest.	\$50,000 or IMP 1 yr
24	Carry or use portable power saw without permit.	\$50,000 or IMP 1 yr
25	Operate a sawmill without a licence.	\$50,000 or IMP 1 yr
29	Fail to keep accurate records of timber enterprise.	\$50,000 or IMP 1 yr
30(4)	Obstruct authorised officer in execution of duty Provide false information to authorised officer.	\$50,000 or IMP 1 yr
33	Interfere with seized timber, forest produce or notice of seizure without consent of Conservator.	\$50,000 or IMP 1 yr
35(3)	Obstruct authorised officer in execution of duty Provide false information to authorised officer.	\$50,000 or IMP 1 yr

36	Cut/remove timber from private land bordering a forest estate without determining borders or informing person carrying out cutting of the borders of the land.	\$50,000 or IMP 1 yr
37	<ul style="list-style-type: none"> a) Damage, dig, or remove sand, gravel, rock or stone. b) Cut, dig or remove any plant, shrub, creeper, vine or rare/endangered species. c) Engage in quarrying or mining. 	\$50,000 or IMP 1 yr
38	<p>Without written permission of Conservator:</p> <ul style="list-style-type: none"> a) Catch, collect, hunt, shoot or kill birds or wildlife. b) Carry any weapons. 	\$50,000 or IMP 1 yr
42	Cut, damage, disturb, forest produce with any wetland swamp, mangrove forest in any forest estate protected area or buffer zone.	\$50,000 or IMP 1 yr
62(1)	Take, drive, use/leave vehicle contrary to a sign	\$50,000 or IMP 1 yr

62(2)	<ul style="list-style-type: none"> a) Use/drive vehicle on barricaded forest road w/out consent. b) Remove or circumvent any barrier. 	\$50,000 or IMP 1 yr
63	Erect, exhibit without written permission of authorised officer any notice, advertisement or sign or obscure, damage or deface any authorised sign, monument, stake, boundary marker, notice or slogan.	\$50,000 or IMP 1 yr
65	<ul style="list-style-type: none"> a) Deposit or leave litter, bottles, broken glass, china, plastic, rubbish, refuse or waste material except in receptacle. b) Deposit or leave any noxious or polluting substance; mineral or industrial waste. c) Deposit domestic garbage. d) Wilfully break glass, china, or pottery. e) Deposit or discharge any mineral or mineral waste. 	\$50,000 or IMP 1 yr
66	Leave w/out written permission any personal	\$50,000 or IMP 1 yr

	property, saw, vehicle, and equipment.	
71	<ul style="list-style-type: none"> a) Fail to produce licence or permit as requested by authorised officer. b) Assault, resist, obstruct or threaten authorised officer in execution of duty. c) Refuse to leave forest estate when ordered 	\$50,000 or IMP 1 yr



The Jamaica National Heritage Trust Act (1985)

The Jamaica National Heritage Trust Act is designed to manage and protect National Monuments and National Heritage. The Jamaica National Heritage Trust Act is administered by the National Heritage Trust. This Act does not define the “designated personnel”.

It is an offence for an owner or person in possession of a:

SEC	OFFENCE	PENALTY
16 (a)	National Monument, to demolish, remove or alter any monument or carry out any development without prior written approval from the Trust.	\$20,000 and/or IMP 2yrs. In default: the cost of restoring the monument or protected National Heritage or IMP 12mths in default of payment of such costs.
16(b)	Protected National Heritage, to demolish, remove or alter it without prior written approval of the Trust.	<i>Same as above</i>

It is an offence to:

17(a)	Wilfully deface, damage or destroy any National Monument or protected National Heritage.	\$40,000 and/or IMP 2 yrs. At discretion of the court – pymt of cost of replacement of such monument. In default of pymt of cost: IMP for a further 12 mths w/ HL.
17(b)	Wilfully deface, destroy, conceal or remove any mark or notice affixed or connected to a National Monument or Protected National Heritage	<i>Same as above</i>
17(c)	Alter any National Monument or mark without the written permission of the Trust	<i>Same as above</i>
17(d)	Remove any National Monument or Protected National Heritage to a place outside of Jamaica or cause it to be removed	<i>Same as above</i>

The Land Development and Utilisation Act (1966)

The Land Development and Utilisation Act addresses the sustainable use of agricultural lands. The Act is administered by the National Environment and Planning Agency.

SEC	DESIGNATED PERSONNEL	POWERS
16(1)	Member or person authorised by the Land Development and Utilisation Commission	Enter land in day light to: a) Inspect the condition and use of land b) Take angles, bearings and soil samples c) Ascertain crops cultivated. The consent of the occupier is required to enter private land or provide 3 days notice.

It is an offence for an occupier of idle land to:

SEC	OFFENCE	PENALTY
9	Fail to: a) Comply with a notice requiring the occupier of	\$10 for each day notice is outstanding

	<p>agricultural land to prepare and submit to the Commission a development plan for such land.</p> <p>b) Submit revised plan to Commission.</p> <p>c) Complete work required under development plan.</p>	
22	<p>a) Assault/obstruct a servant or agent of the Commission while carrying out their duty/</p> <p>b) Refuse without just cause to provide information or knowingly gives false information to the Commission.</p>	\$200 or IMP 1 yr w/ or w/out HL



The Local Improvements Act (1914)

The Local Improvements Act is designed to manage the development of infrastructure by regulating the sub-division and the layout of land for building. This Act has undergone amendments to recognise the devolution of power to the local planning authority. The last amendment was made in 1987. The Local Improvements Act is administered by the Ministry of Local Government.

SEC	DESIGNATED PERSONNEL	POWERS
4A(1) & 8(1)	The KSAC and in any other parish, the Parish Council and the Government Town Planner	Approve/refuse the sub-division or laying out of land.

It is an offence to:

SEC	OFFENCE	PENALTY
12(a)	Lay out or sub-divide land for building on it or for sale before depositing with the Council a map of the land.	\$400; IMP 12 mths w/ or w/out HL in default <u>Continuing offence</u> : up to \$40 per day or IMP 28 days w/ or w/out HL

12(b) 12(c)	Proceed with or aid or assist in the laying out or subdividing of land or building before the Council has sanctioned the map of such land or building or otherwise than in accordance with the sanction of the Council.	<i>Same as above</i>
12(d)	Neglect or fail to perform the street works within the time prescribed by the Council.	<i>Same as above</i>
12(e)	Contravene or fail to comply with any condition prescribed by the Council.	<i>Same as above</i>
12(f)	Breach any Regulations made under the Act.	<i>Same as above</i>

The Maritime Areas Act (1996)

The Maritime Areas Act declares Jamaica to be an archipelagic state and makes provision with respect to certain Maritime Areas of Jamaica. The Maritime Areas Act is administered by the Ministry of Foreign Affairs.

SEC	DESIGNATED PERSONNEL	POWERS
24	"Marine Officer": Customs Officer, Game Warden under the Wildlife Protection Act, Jamaica Constabulary or Defence Force officer or member, Fishery Inspector under the Fishing Industry Act and any other public officer designated by the Minister.	<ol style="list-style-type: none">1) Stop and board foreign vessel to investigate commission of an offence, question persons on board or request licence2) Without a warrant arrest any foreign vessel/person in charge or any person who participates in such activity that contravenes Act.

It is an offence to:

SEC	OFFENCE	PENALTY
27(1)	<ul style="list-style-type: none">a) Refuse, neglect or fail to comply with a directive of a Marine Officer.b) Refuse or fail to produce licence to Marine Officer.c) Refuse without reasonable excuse to give explanation to Marine Officer.d) Assault or obstruct Marine Officer in execution of duty.	\$2,000 and/or IMP 1 yr
27(2)	<ul style="list-style-type: none">a) Use a foreign vessel to carry out acts prejudicial to the peace, order or security of Jamaica.b) Participate while on the vessel in acts contrary to Jamaica's peace, order or security.	CC: Fine at discretion of High Court Judge and/or IMP 5 yrs

It is an offence for a foreign vessel in the archipelagic waters of Jamaica to:

SEC	OFFENCE	PENALTY
18(1)	<ul style="list-style-type: none"> a) Threaten Jamaica's sovereignty, territorial integrity or political independence or violate international law. b) Exercise or practice using weapons of any type. c) Attempt to collect information which is prejudicial to Jamaica's defence or security. d) Commit an act which is calculated to affect Jamaica's defence or security. e) Launch, land or take any aircraft or military device on board. f) Load or unload any good, currency or person contrary to any law in Jamaica. g) Discharge any polluting substance contrary to the Montego Bay Convention (The United Nations Convention on the Law of the Sea). h) Engage in any fishing activities. i) Carry out research or surveying activity. 	<p>CC: Fine at discretion of High Court Judge and/or IMP 25 yrs</p> <p>Where offence is continued after conviction: \$300,000 per day</p>

The National Solid Waste Management Act (2001)

The National Solid Waste Management Act provides for the management of solid waste in an environmentally sound manner. This Act repeals the Litter Act, 1985. The National Solid Waste Management Act is administered by the National Solid Waste Management Authority.

SEC	DESIGNATED PERSONNEL	POWERS
21(a)	Inspector appointed by the National Solid Waste Management Authority.	Enter and inspect disposal facility
39(2)	Person authorised by the NSWMA.	Enter premises to carry out work under a licence.
53(2)	“Authorized officer” means Traffic Warden; Authorized Officer under Marine and National Park Regulations or person authorized by the Minister or the NRCA; Public Health Officer; member of JCF or ISCF; person designated as Authorized Officer by NSWMA; Inspector.	Serve fixed penalty notice

55(6)	Officers or servants of the Authority.	Enter premises and remove litter or restore premises
57(2)/ 59(1)	Authorized Officer.	Ensure cessation of activities to comply with cessation/enforcement notice
63	Authorized Officer.	Enter at reasonable time premises of solid waste disposal operation and inspect books, seize and detain equipment or articles used in contravention of Act

64	Authorized Officer.	May seize and detain vehicle article, device or apparatus, on reasonable suspicion of use in commission of offence
-----------	---------------------	--

It is an offence to:

SEC	OFFENCE	PENALTY
42(6)	Fail to comply with directions for receptacles for the storage of waste.	\$100,000
42(7)	Interfere with, destroy or damage solid waste receptacle	\$1,000,000
44	a) Unlawfully remove waste from disposal facility or place under the Authority's control. b) Interfere/tamper with disposal facility or place where solid waste is stored by the Authority.	\$500,000 and/or IMP 6 mths

45	<ul style="list-style-type: none"> a) Dispose of solid waste in an unauthorised area or manner. b) Operate solid waste disposal facility or collect, transfer/ manage solid waste without valid operating licence/certificate. c) Impede collection or disposal of solid waste. 	\$1,000,000 and/or IMP 9 mths
46	<ul style="list-style-type: none"> a) Throw, drop, leave or deposit litter in public place b) Erect, display, affix or deposit anything in public place or on a public building/wall/fence to cause defacement. 	Prescribed Fixed Penalty a) \$2,000 b) \$3,000
47	Throw, drop, or deposit litter on another's persons premises without consent.	Prescribed Fixed Penalty \$5,000
48	Wilfully break bottle/glass in public place without lawful authority or reasonable excuse.	Prescribed Fixed Penalty \$5,000
49	Make false/misleading statement/declaration/document to authorised person to get licence.	\$1,000,000 and/or IMP 1 yr

50(1)a	Obstruct an authorised officer in the execution of duty.	\$500,000 and/or IMP 6 mths
50(1)b	Fail to comply with a requirement made by an authorised officer.	\$500,000 and/or IMP 6 mths
50(1)c	Fail to disclose the true name and address to an authorised officer.	\$500,000 and/or IMP 6 mths
50(1)d	Impersonate an authorized officer.	\$500,000 and/or IMP 6 mths
50(1)e	Assault / threaten/ intimidate any authorised officer.	\$500,000 and/or IMP 6 mths
51(a)	Fail to keep books, documents / records under the Act.	\$500,000 and/or IMP 6 mths
51(b)	Fail to produce such books, documents or records at the request of an authorised officer.	\$500,000 and/or IMP 6 mths
55(5)	Fail to comply with notice to remove litter left on any public place or private premise.	\$100,000

58(3)	<p>Fail to comply with a notice requiring information from an owner or operator of any sewage treatment plant, industrial waste treatment facility or any other treatment facility that generates sludge on:</p> <ul style="list-style-type: none"> (a) the performance of solid waste disposal facility. (b) quantity, type and condition of solid waste handled. (c) quantity, quality and method of treatment and disposal of leachate and other waste. 	\$500,000; or IMP 6 mths in default
59(6)	Fail to comply with an enforcement notice to discontinue a specific offending activity and for taking the required steps to ameliorate the effect of such activity and restore if possible.	\$1,000,000 and/or IMP 1yr
68(2)	Fail to comply with the regulations governing solid waste management.	\$500,000 and/or IMP 6 mths

Definitions

“Litter” means solid waste in any public place and includes any refuse, rubbish, bottles, glass, debris, dirt, rubble, ballast, stones, noxious or contained substances or waste matter or any other matter likely to deface, make untidy, obstruct or cause a nuisance in a public place

“Solid waste” includes medical and hazardous waste and: a) refuse or sludge from a waste treatment facility, water supply plant, air pollution control facility and garbage; b) solid, semi-solid or contained gaseous or liquid matter resulting from industrial, commercial, mining or agricultural operations or domestic activities; and c) any contained substance or object which is or is intended to be, or required by law, to be disposed of **but does not include** i) animal manure and absorbent bedding used for soil enrichment; ii) suspended solid or dissolved material in sewage; and iii) industrial discharges from pipelines conveying such waste.

“Public Place” includes a) every public highway, street, road, square, court, alley, lane, bridle way, footpath, parade, wharf, jetty quay, bridge, sidewalk, verge b) public garden, park, or open space, theatre, stadium, place of public entertainment of any kind c) beach, foreshore, bank of river, or stream, lake, pond, lagoon, gully etc...any other open space without payment of a fee.

The National Solid Waste Management (Public Cleanliness) Regulations (2003)

The Regulations make it an offence to:

SEC	OFFENCE	PENALTY
3(2)	<ul style="list-style-type: none">Fail to comply with a requirement to state the name, and address and produce proof of identity for inspection when served with a fixed penalty notice by an authorized officer	\$50,000

Definitions

A “**fixed penalty notice**” is a prescribed notice in writing offering the discharge of any liability to conviction by fixed payment.

See page 133 for the National Solid Waste Management Fixed Penalty Notice Form

The Natural Resources Conservation Authority Act (1991)

The Natural Resources Conservation Authority Act provides for the management, conservation and protection of the natural resources of Jamaica. The Act also addresses sewage and trade effluent discharges as well as air emissions. The Natural Resources Conservation Authority (NRCA) Act is administered by the Natural Resources Conservation Authority/National Environment and Planning Agency.

SEC	DESIGNATED PERSONNEL	POWERS
13(3) 18(6)	A member of the JCF authorised by the Minister.	Use force to ensure compliance with cessation order/ enforcement notice.
20(1)	Any person duly authorised by the Minister or the Natural Resources Conservation Authority.	Enter premises at reasonable times to ensure compliance with NRCA Act or other laws pertaining to the protection of the environment.

The Act makes it an offence to:

SEC	OFFENCE	PENALTY
9(2)	Undertake a development, construction or enterprise without permit (see page 144 for list of prescribed activities) or not in accordance with the terms and conditions of the permit.	\$50,000 or IMP 2 yrs and/or IMP 1 yr in default <u>Continuing offence</u> : \$3,000 per day
10(4)	Refuse/fail to submit an EIA.	\$30,000
12 (1)	Without, or not in compliance with, a Licence: a) Discharge or permit entry of sewage, trade effluent, poisonous or polluting substance into waters or the ground. b) Construct or alter works to discharge sewage or trade effluent.	\$50,000 or IMP 2 yrs and/or IMP 1 yr in default <u>Continuing offence</u> : \$3,000 per day
13(3)	Hinder or obstruct a member of the JCF from ensuring compliance with a cessation order as ordered by the Minister.	\$10,000 or IMP 1 yr

15(2)	Refuse or fail to comply after service of a notice to abstain from agricultural practice.	\$20,000 or IMP 2 yrs and/or IMP 1 yr in default <u>Continuing offence</u> : \$3,000 per day
16(4)	Obstruct authorised person in exercise of power.	\$10,000 or IMP 1 yr
17(2)	Fail to comply with a notice in writing requiring information on: <ul style="list-style-type: none"> ▪ Performance of facility. ▪ Quantity and condition of discharged effluent. ▪ Area affected by effluent discharge. 	\$20,000 or IMP 2 yrs and/or IMP 1 yr in default <u>Continuing offence</u> : \$3,000 per day
18(4)	Allow the continuation of an offending activity while an enforcement notice is in effect or after an appeal has been dismissed.	\$50,000 or IMP 2 yrs and/or IMP 1 yr in default <u>Continuing offence</u> : \$3,000 per day
32(4)	Obstruct authorized person effecting order of the Minister.	\$10,000 or IMP 1 yr
32(5)	Contravene provision of order of the Minister.	\$50,000 or IMP 2 yrs and/or IMP 1 yr in default <u>Continuing offence</u> : \$3,000 per day

Under section 37 prosecution for offences under this Act should commence within one year from discovery of the offence.

The Authority may serve an enforcement notice where an activity may pose a serious threat to natural resources or to public health specifying the offending activity and requiring that:

- This be rectified to ameliorate the effect of the activity; or
- The natural resources be restored to their condition before the activity took place; or
- The offending activity be stopped immediately

An Enforcement Notice should specify the period within which an appeal may be made.

An enforcement notice remains in effect during the process of appeal.

The Authority may issue a cessation order in writing to such person directing him to cease the activity in respect of which a permit, licence, or environmental impact assessment, as the case may be, is required.

The Natural Resources (Hazardous Waste) (Control of Transboundary Movement) Regulations (2003)

The Natural Resources (Hazardous Waste) (Control of Transboundary Movement) Regulations controls the transboundary movement and prevents the illegal trafficking of certain hazardous wastes. These regulations seek to implement the Basel Convention on the Transboundary Movement of Hazardous Waste. These Regulations are administered by the Natural Resources Conservation Authority/National Environment and Planning Agency.

SEC	DESIGNATED PERSONNEL	POWERS
5(a) (b)	"Inspectors": Persons duly authorised by the Natural Resources Conservation Authority or public officers so appointed.	Inspect consignments of hazardous waste to ensure compliance with: <ul style="list-style-type: none">i. The provisions of the NRCA Act and these regulationsii. Any condition subject to which a permit is grantediii. The requirements of any other law pertaining to the transport and management of hazardous waste

It is an offence to:

SEC	OFFENCE	PENALTY
22	Import, transit through, or export hazardous waste into or from an area under Jamaica's jurisdiction: a) Without notification to every State involved. b) Without a permit and the consent of every State involved. c) With consent obtained from a State concerned through falsification, misrepresentation or fraud. d) That does not conform with the documents. e) That results in the unlawful disposal of hazardous wastes in contravention of the Convention, Act, or these Regulations.	\$50,000 and/or IMP 2 yrs
23	Fail to re-export hazardous waste, when granted a permit to export this waste, where a) the movement cannot be completed in accordance with the terms of the permit or b) alternative arrangements cannot be made for their disposal in an environmentally sound manner.	\$50,000 and/or IMP 2 yrs

24	Unlawfully dump or otherwise dispose of hazardous waste in area under jurisdiction of Jamaica.	\$50,000 and/or IMP 2 yrs
----	--	------------------------------

Definitions

“Area under Jamaica’s jurisdiction” includes any land, marine area or air space within which Jamaica exercises administrative or regulatory responsibility; internal waters and the Exclusive Economic Zone; and any ship or aircraft registered in Jamaica.

See page 149 for the categories of waste controlled under these Regulations.



The Natural Resources (Marine Park) Regulations (1992)

The Natural Resources (Marine Park) (Amendment) Regulations (2003)

The Natural Resources (Marine Park) Regulations were amended in 2003. These Regulations are designed to achieve and maintain the sustainability of and protect the Marine Parks of Jamaica. These Regulations are administered by the Natural Resources Conservation Authority/National Environment and Planning Agency.

SEC	DESIGNATED PERSONNEL	POWERS
18(1)	"Authorized Officer": officer employed to the Authority, member of the Security Forces, Fishery Inspector under the Fishing Industry Act or public officer designated as an authorized officer by the Authority	<p>Where an authorized officer has reasonably suspected an offence is being or has been committed, a Authorized Officer may:</p> <ul style="list-style-type: none">a) Without a warrant, board a vessel to search, and carry out investigations.b) Without a warrant, seize and detain vessel, cargo and equipment used in the commission of an offence.

19	<i>Same as above.</i>	Arrest person without a warrant who is reasonably believed to have committed an offence within the park and whom he thinks will not respond to a Summons. Officer must produce identification for inspection.
19 (a)	<i>Same as above</i>	<ul style="list-style-type: none"> a) Require the holder of a permit to provide it for inspection. b) With warrant enter and search c) Inspect all documentation, records, or log books. d) Seize any plant, animal or product taken in contravention of regulations
20	<i>Same as above.</i>	Impound an abandoned conveyance or vessel

It is an offence within a Marine Park to:

SEC	OFFENCE	PENALTY
3	Extract/mine minerals without written permission	\$40,000 or IMP 2 yrs w/ or w/out HL
4(1)	<ul style="list-style-type: none"> a) Destroy, injure, deface, move, dig, harmfully disturb or remove any sand, gravel, minerals, corals, sea fans, shells, shellfish, starfish, marine invertebrates, seaweed, grass, soil, artefact, rock or stone. b) Cut, injure, mutilate, move, displace or break any growth or sea bottom formation. c) Attach any rope, wire or other contrivance to coral or rock. d) Knowingly use, sell, dispose of or remove from the marine park stolen seaweed, coral, gravel, sand, or mineral. 	\$50,000 or IMP 3 yrs w/ or w/out HL
5(1)	<ul style="list-style-type: none"> a) Dredge, excavate, fill/deposit anything in the sea b) Erect any building/structure or public service facility without permission of Authority 	\$50,000 or IMP 3 yrs w/ or w/out HL
6(1)	Discharge or deposit in water any refuse, oily liquids, wastes, acids, chemicals, toxic/polluting substances, which injures plant/animal life.	\$50,000 or IMP 3 yrs w/ or w/out HL

7	Wilfully mark, deface/damage, remove, mooring buoy, park sign / notice	\$40,000 or IMP 2 yrs w/ or w/out HL
8(1)	Fish without the Park Managers written permission	\$50,000 or IMP 2 yrs w/ or w/out HL
8(4)	Fish in designated area during prohibited period	\$50,000 or IMP 2 yrs w/ or w/out HL
8(5) &	Use poisonous substance or an electrical charge to catch or kill fish.	\$50,000 or IMP 2 yrs w/ or w/out HL
8(7)	Breach any condition imposed on Fishing	\$40,000 or IMP 2 yrs w/ or w/out HL
9	Research/collect objects or specimens without a permit	\$40,000 or IMP 2 yrs w/ or w/out HL
9A(7)	Scuba dive without a permit or identification tags Knowingly transport another person who has no permit or identification tags for scuba diving	\$30,000 or IMP 3mths

9B(9)	Operate a snorkelling facility without a permit or falsifying log books	\$30,000 or IMP 6mths
9D(4)	Film or video tape a natural resource, object, or specimen for commercial purposes without a permit.	\$30,000 or IMP 3mths.
10(2)	Deposit litter, waste material, offal, dead animals, noxious/offensive substances, except in receptacles.	\$40,000 or IMP 1 yr w/ or w/out HL
11(2)	Without the permission of the Authority, erect/display a sign, slogan or marker	\$30,000 or IMP 1 yr w/ or w/out HL
12(3)	Discharge or have in possession an air rifle, firearm, spring gun, sling bang sticks, spear guns, harpoons	\$50,000 or IMP 1 yr w/ or w/out HL
12(2)	Use or possess explosives	\$50,000 or IMP 1 yr w/ or w/out HL
13(1)	Behave in a disorderly manner, use offensive language	\$20,000 or IMP 1 yr w/ or w/out HL
13(2)	Obstruct or disturb any person properly using the park	\$20,000 or IMP 1 yr w/ or w/out HL

13(3)	Deface, paint, write, or affix bills on park property	\$20,000 or IMP 1 yr w/ or w/out HL
15	<ul style="list-style-type: none"> a) Refuse to follow directions of authorised officer. b) Refuse to present permit or licence to authorised officer. c) Assault, resist or obstruct authorised officer in execution of duty. d) Threaten authorised officer in execution of duty. e) Refuse to leave park. f) Tamper with seized items. g) Impersonate authorised officer. 	\$40,000 or IMP 1 yr w/ or w/out HL
22(5)	Use an area in a manner contrary to the zone.	\$10,000 or IMP 3 mths

The Natural Resources (National Park) Regulations (1993)

The Natural Resources (National Park) (Amendment) Regulations (2003)

The Natural Resources (National Park) Regulations are designed to achieve and maintain sustainability of and protect the National Parks of Jamaica. These Regulations are administered by the Natural Resources Conservation Authority/National Environment and Planning Agency.

SEC	DESIGNATED PERSONNEL	POWERS
23	"Authorized officer": Customs Officer, member or officer of the JCF or JDF, Fishery Inspector under the Fishing Industry Act, Forest Officer under the Forest Act, person appointed a Park Manager or designated a National Park Ranger	Enter premises to: a) Inspect and investigate operations b) Install/maintain reading equipment c) Examine records

25	<i>Same as 23 above.</i>	Without a warrant, seize, search and detain vehicle, vessel, article believed to have been used in the commission of an offence against the Act or Regulations
26	<i>Same as 23 above.</i>	W/out warrant, arrest person who is reasonably believed to have committed an offence under the Regulations and will not comply with Summons. <u>DUTY: Take to police station immediately</u>

It is an offence in a National Park to:

SEC	OFFENCE	PENALTY
3	Allow an animal other than guide dog or donkey to enter without permission	\$20,000 or IMP 1 yr w/ or w/out HL
4	a) Deposit litter, bottles, broken glass, refuse, dung, offal, dead animals, mineral, or industrial waste b) Deposit, discharge/leave noxious or offensive	\$20,000 and/or IMP 1 yr w/ or w/out HL

	<p>polluting thing</p> <p>c) Deposit/leave offal, dead animal or other filth</p> <p>d) Deposit domestic garbage in any litter bin</p> <p>e) Wilfully break glass, china, brittle item/plastic</p> <p>f) Deposit, discharge/leave mineral, mineral or industrial waste, oily liquid/polluting substance</p>	
5	Pollute/cause pollution in any lake, stream, river, dam.	\$50,000 and/or IMP 2 yrs w/ or w/out HL
6	Abandon/leave personal property.	\$20,000 and/or IMP 1 yr w/ or w/out HL
7(1)	Behave in disorderly or indecent manner.	\$5,000 and/or IMP 1 yr w/ or w/out HL
7(2)	Obstruct, annoy, or interrupt person using park in proper manner.	\$5,000 and/or IMP 1 yr w/ or w/out HL
7(3)	Throw, roll dislodge stone, substance or missile to endanger person, animal or thing.	\$5,000 and/or IMP 1 yr w/ or w/out HL

7(4)	Deface, paint, affix bills on trees, gates, fences, rocks, buildings or signs	\$5,000 and/or IMP 1 yr w/ or w/out HL
7(5)	Play radio, tape recorder or musical instrument to disturb other users of park	\$5,000 and/or IMP 1 yr w/ or w/out HL
8	<ul style="list-style-type: none"> a) Refuse or fail to comply with directions from authorised officer b) Refuse or fail to produce licence or permit to authorised officer c) Assault, resist or obstruct authorised officer in execution of duty d) Use threatening language to authorised officer e) Refuse to leave Park when ordered to f) Impersonate an authorised officer 	\$5,000 and/or IMP 1 yr w/ or w/out HL
9(3)	Fail to follow instructions of notice at campsite	\$5,000 and/or IMP 1 yr w/ or w/out HL
10(1)	Take, drive, use or leave vehicle contrary to sign or notice	\$5,000 and/or IMP 1 yr w/ or w/out HL

10(2)	Use vehicle to cross area closed by barrier without written permission	\$5,000 and/or IMP 1 yr w/ or w/out HL
10(3)	Use/drive vehicle on anything but a designated road	\$5,000 and/or IMP 1 yr w/ or w/out HL
11	Erect building/structure or make/mark track or route without the permission of Park Manager	\$10,000 and/or IMP 2 yrs w/ or w/out HL
12	Light, maintain or use fire except for domestic reasons in an area designated for this	\$50,000 and/or IMP 2 yrs w/ or w/out HL

Without the written permission of the Park Manager, it is an offence in a National Park to:

SEC	OFFENCE	PENALTY
13(1)	<ul style="list-style-type: none"> a) Plant, sow/scatter plants, seeds/substances known to injure plant or animal life b) Occupy/use land to cultivate c) Wilfully damage/deface fence, building/equipment d) Take, destroy/wilfully injure, disturb protected 	\$20,000 and/or IMP 1 yr w/ or w/out HL

	e) animal, nest/eggs of protected bird Wilfully cut/destroy plant.	
13(2)	a) Remove animal from park. b) Not move vehicle from park within required period. c) Do any act requiring written permission without it. d) Unlawfully alter, obliterate, deface, destroy boundary marker, stamp, licence, lease, permit.	\$5,000 and/or IMP 1 yr w/ or w/out HL
13(3)	Use, receive, sell or dispose of property knowingly removed illegally from Park.	\$5,000 and/or IMP 1 yr w/ or w/out HL
13(4)	Possess chain-saw, trap, net or like object.	\$5,000 and/or IMP 1 yr w/ or w/out HL
14	a) Hire or sell any item. b) Produce item for hire or sale. c) Provide service for reward. d) Carry on commercial activity.	\$40,000 and/or IMP 1 yr w/ or w/out HL
15(1)	Extract or mine for minerals without a licence from the	\$10,000 or IMP 2 yrs w/ or w/out HL

	Authority.	
16(5)	Research or collect object, specimen, animal or plant life without a licence from the Authority.	\$5,000 and/or IMP 1 yr w/ or w/out HL
17(1)	Park vehicle or moor vessel: a) Outside of designated area. b) To obstruct or endanger persons. c) In abandoned state.	\$2,000 and/or IMP 1 yr
19(1)	Fish without permission.	\$10,000 and/or IMP 2 yrs w/ or w/out HL
19(4)	Fish in prohibited area during prohibited time.	\$10,000 and/or IMP 2 yrs w/ or w/out HL
19(5)	Fish with poison, electrical charges or such means.	\$10,000 and/or IMP 2 yrs w/ or w/out HL
20	Wilfully mark, deface, injure, remove or interfere with mooring, buoy, national park sign, notice, monument, stake, post or boundary marker.	\$5,000 and/or IMP 1 yr w/ or w/out HL

21(1)	Erect, exhibit, display any means of advertising without written permission.	\$5,000 and/or IMP 1 yr w/ or w/out HL
21(2)	Obscure, damage, remove or interfere with authorised notice.	\$5,000 and/or IMP 1 yr w/ or w/out HL

The Natural Resources (Permit and Licences) Regulations (1996)

The Natural Resources (Permit and Licences) Regulations establishes a permit and licencing system to control the undertaking of any new construction or development of a prescribed nature in Jamaica and the handling of sewage or trade effluent and poisonous or harmful substances discharged into the environment. These Regulations are administered by the Natural Resources Conservation Authority/National Environment and Planning Agency.

SEC	DESIGNATED PERSONNEL	POWERS
23	"Authorised person": any person duly authorised by the Minister or the Authority	Enter any premises to: a) Inspect and investigate the operations b) Install and maintain or read recording equipment c) Examine records

See page 144 for the list of prescribed activities under these Regulations

The Pesticides Act (1987)

The Pesticides Act is designed to manage and regulate the use of pesticides which are potentially harmful to the environment. The Pesticides Act is administered by the Pesticides Control Authority.

SEC	DESIGNATED PERSONNEL	POWERS
18	'Inspector' or other 'Officer' designated or appointed under this Act	Enter any premises or vehicle where extermination is being carried out, pesticides are manufactured, stored or kept to inspect, investigate and take samples and where required seize and detain any records or articles as evidence of the commission of an offence.

The Act makes it is an offence to:

SEC	OFFENCE	PENALTY
7	Manufacture, advertise or sell any pesticide unless registered	\$50,000 or IMP 6 mths
8	Not register imported or manufactured pesticide	\$50,000 or IMP 6 mths

9(1)	Sell a restricted pesticide: a) Without authorization; or b) On an unregistered premises; or c) In a manner outside of the prescribed requirements	\$50,000 or IMP 6 mths
10(1)	Engage in, perform or offer pest extermination services without a pest control operator licence	\$50,000 or IMP 6 mths
10(2)	Not comply with the regulations governing employees of pest control operators	\$50,000 or IMP 6 mths
15	Package, label or advertise any pesticide in a false or misleading manner which incorrectly describes its character, value, composition, merit, quantity or safety from that stated in the application for registration	\$50,000 or IMP 6 mths
20(1)	b) With intent to deceive: i. Forge, use or lend a fake licence or certificate under the Act ii. Make or possess a document which resembles a licence or certificate c) Assault or obstruct an inspector or designated officer in the performance of his duties	\$50,000 or IMP 6 mths

	<ul style="list-style-type: none"> d) Interfere with or dispose of a detained article e) Bribe or attempt to bribe an inspector or designated officer in relation to his duties under the Act f) Knowingly give false information to an inspector or designated officer g) Accept or solicit a bribe in relation to the performance of his duties by an inspector or designated officer 	
--	---	--



The Public Health Act (1985)

The Public Health Act provides for the protection of public and environmental health, waste management and pollution control. The Public Health Act is administered by the Ministry of Health through Local Boards, namely the Kingston and St. Andrew Council and the Parish Councils for the other parishes.

SEC	DESIGNATED PERSONNEL	POWERS
20	Medical Officer (Health): any medical practitioner appointed by the Governor-General or any other person authorized in writing by the Minister or by a Local Board	Enter any premises at a reasonable time to ensure compliance with the Act and to take any necessary action to protect public health

The Act makes it an offence to:

SEC	OFFENCE	PENALTY
18(2)	Attend, promote, aid or assist in the promotion of any prohibited assembly	\$2,500; IMP 3 mths in default <u>Continuing Offence</u> : \$12,500 for each 6 mths non-payment
18(3)	Refuse to disperse from a prohibited assembly	\$2,500; IMP 3 mths in default <u>Continuing Offence</u> : \$12,500 for each 6 mths non-payment
19	Fail to comply with an order closing any public place or school	\$50,000; IMP 6 mths in default <u>Continuing Offence</u> : \$12,500 for each 6 mths non-payment
22	a) Assault or obstruct a medical officer (health) or authorized person in the pursuance of his duties b) Failing to give required information or knowingly providing false information	\$25,000 or IMP 1 yr <u>Continuing Offence</u> : \$12,500 for each 6 mths non-payment

The Public Health (Nuisance) Regulations (1995)

The Regulations make it an offence to:

SEC	OFFENCE	PENALTY
6	Fail to comply with a notice within a reasonable time requiring a person to: a) abate a nuisance or b) perform such act to prevent the recurrence of the nuisance	\$2,000 or IMP 1 yr

The Resident Magistrate can order that any money spent by the designated agency in abating or clearing up the nuisance can be recovered via a civil suit.

A **nuisance** is defined as:

- A building or structure, which is or is likely to become a health hazard due to structural defects or unsanitary conditions.
- Premises or other place where unsanitary conditions are or is likely to become a health hazard.
- Accumulation or deposit of solid waste, human or animal excreta.
- Dust, smoke, fumes, gases or effluvia emitting from any manufacturing process or caused from any trade or business.

- An animal kept in a manner as to become hazardous to health.
- A carcass of any animal that is not buried or destroyed within twenty-four hours of death.
- A tree, bush or structure that interferes with the flow of air or sunlight into any building or premises.
- Lack of water or a water supply system.
- Water supply system that is not maintained in a sanitary condition.
- Wasting of water from a tap, pipe or pump or from any other device from which water is obtained.
- Accumulation of stagnant water.
- Any sanitary convenience that is so designed, located or kept which is or is likely to become a health hazard.
- Infestation of flies, fleas, cockroaches, lice, rats, mosquitoes, mosquito larvae and other vermin on any premises.
- Excess vegetation or overgrowth of bush on any building, land or structure that harbours or is likely to harbour vermin.
- Discharge of sewage, industrial waste or any other noxious matter into the sea or any watercourse or unto any land



The Quarries Control Act (1984)

The Quarries Control (Amendment) Act (1994)

The Quarries Control Act controls and manages all quarrying activities in Jamaica. The Act is administered by the Mines and Geology Division of the Ministry of Land and Environment. The penalties for the Quarries Control Act are to be found in the Quarries Control (Amendment) Act 1994.

SEC	DESIGNATED PERSONNEL	POWERS
20	Medical Officer means any person appointed as such by the Chief Medical Officer; or any person thereto authorized by the Commissioner of Mines	<ul style="list-style-type: none">▪ Enter premises at reasonable time to inspect, examine premises being quarried or where information relating to this operation is stored▪ Seize and remove any records or other documents▪ Search, seize and detain without a warrant any conveyance or machinery which has been used to commit an offence under Act▪ Inspect and examine conditions of quarry, audit books.

The Act makes it an offence to:

SEC	OFFENCE	PENALTY
5	Open, establish or operate a quarry to extract quarry material or mineral without a licence	<u>1ST offence</u> \$30,000 or IMP 2 yrs <u>2nd offence</u> \$50,000 or IMP 1 yr 1 additional year in default Continuing Offence: \$10,000 per day or IMP 2 yrs whether or not w/out interruption
20(9)	Hinder, molest or interfere with any authorized person in the pursuance of his duties or prevent authorized person from carrying out his duty under the Act	\$15,000; 6 mths in default <u>Continuing Offence:</u> \$10,000 per day
21(1)	Fail to pay tax	15% of tax due
21(2)	Fail to give a return or provide incomplete information	1% of the tax (minimum of \$15,000, maximum of \$30,000)
21(3)	a) Make, participate in or assent to the	\$1,000 plus 200% of the value of the tax

26	Fail to deliver a return when required by the Act	<u>Continuing offence</u> : \$2,000 per day
30	Fail to comply with a notice to remedy the operation of any quarry operated in a dangerous and defective manner detrimental to Natural Resources or Public Health under the Act.	\$15,000; IMP 6 mths in default
31(3)	c) Fail to attend an inquiry, produce documents, or answer questions without reasonable excuse at the inquiry	\$15,000; IMP 6 mths in default

The Town and Country Planning Act (1958)

The Town and Country Planning Act is administered by the Town and Country Planning Authority and the Local Planning Authorities. The Act designates specific personnel who are given the responsibility of and the required power to ensure compliance with the legislation.

SEC	DESIGNATED PERSONNEL	POWERS
28	Person authorized in writing by a local planning authority, the Government Town Planner or the Town and Country Planning Authority	Serve notice on owner / occupier of land
29(1) (a)	<i>Same as 28 above.</i>	Enter land at reasonable time to: i. Observe breach of development order ii. Serve notice or inspect work being done under enforcement notice

Section 25 of the Town and Country Planning Act provides for the local planning authority to preserve trees or woodlands where necessary by way of making a tree preservation order in respect of such trees or woodlands.

The Town and Country Planning (Tree Preservation) Regulations 1967 stipulates the contents of a Tree Preservation Order and the procedure by which representations or objections to the Order may be made.

It is an offence to:

SEC	OFFENCE	PENALTY
22(7)	Fail to comply with a stop notice	Not less than \$25,000 or more than \$1,000,000. In default IMP 6 mths
24(3)	Use, permit/cause use of land contrary to an enforcement notice requiring the discontinuance of an activity; or not comply with the conditions of the enforcement notice.	\$25,000 or IMP 1 yr w/ HL use continued after conviction \$5000 per day.
25(5)	Contravene a Tree Preservation Order	\$100 or IMP 3 mths w/ HL. <u>Continuing offence</u> : \$4 per day
27(3)	Display advertisement contrary to Regulations	\$10,000 or IMP 1 yr w/ HL <u>Continuing offence</u> : \$1,000 per day
29 (3)	Wilfully obstruct authorised person in execution of	\$10,000; IMP 1 yr w/ HL in default

	duty	
29 (4)	Disclose trade secrets discovered during survey	\$10,000 or IMP 1 yr
32	a) Wilfully or recklessly make false statement or not provide information requested by authorised officer b) Use building or land in prohibited manner	\$100; IMP 3 mths w/ HL in default <u>Continuing offence</u> : \$10 per day or IMP 3 mths w/ HL in default

The Town and Country (Control of Advertisements) Regulations 1978

It is an offence to:

SEC	OFFENCE	PENALTY
22	Display an advertisement contrary to the Regulations	\$100 or IMP 3 mths if continued use after conviction \$10 per day

The Trade Act (1955)

The Trade Act is designed to regulate the importation and exportation of all goods including ozone-depleting substances. The Act is administered by the Ministry of Commerce and Technology.

The following Trade Orders are made pursuant to s.8 of the Trade Act, which gives the Minister the power to make such Orders:

The Trade (Restriction on Importation) (Chlorofluorocarbons) Order 1999 restricts the importation of ozone depleting CFC-based substances. The Order specifies a list of companies licensed to import CFCs and their respective quotas. It is an offence under the Trade Act to import ozone-depleting substances without a licence.

The Trade (Prohibition of Importation) (Equipment Containing Chlorofluorocarbons) Order, 1998 and The Trade (Prohibition of Importation) (Equipment Containing Chlorofluorocarbons) (Amendment) Order 2002 restricts the importation of equipment containing ozone depleting CFC- based substances.

It is an offence to:

SEC	OFFENCE	PENALTY
13(1)a	Import or export any goods without a licence as specified in any Order made by the Minister. Fail to comply with any condition or restriction on the importation or exportation of any licensed goods.	\$3000 ; IMP 12 mths w/ or w/o HL in default
13(1)b	Wilfully or recklessly give false/misleading information or statement	\$3000 ; IMP 12 mths w/ or w/o HL in default
13(1)c	Assault or obstruct any person authorised by an order made by the Minister to enter and inspect any premises in the execution of his duty.	\$3000 ; IMP 12 mths w/ or w/o HL in default

The Water Resources Act (1995)

The Water Resources Act ensures the proper administration, development and optimal use of Jamaica's water resources. The Act is administered by the Water Resources Authority.

SEC	DESIGNATED PERSONNEL	POWERS
41(3)	Officers or agents authorised by the Authority	Serve an Enforcement Notice
42(1)	<i>Same as 41(3) above.</i>	Enter land to take such steps as outlined in the Enforcement Notice

The Act makes it an offence to

SEC	OFFENCE	PENALTY
19	Abstract or use water, construct or alter any works without licence	\$50,000; IMP 2 yrs in default. <u>Continuing offence</u> : \$10,000 per day
34	Sink, construct, alter or enlarge a well without the Authority's consent	\$50,000; IMP 2 yrs w/ or w/out HL in default

35(1)	Practice as a well-driller without a licence or contrary to its terms.	\$50,000; IMP 2 yrs w/ or w/out HL in default
35(2)	Drill a well for a third party without discovering if they hold a valid licence to abstract and use water or if they are exempted from such requirement	\$20,000; IMP 1 yr w/ or w/out HL in default
36	Not submit information on alteration or creation of new works to Authority	\$20,000; IMP 1 yr w/ or w/out HL in default
37	Cause or allow underground water to run to waste from well or works for reasons other than to test quality, sterilize or repair well/work.	\$20,000; IMP 1 yr w/ or w/out HL in default
42	Use, cause/allow water to be used or cause/permit use of operations contrary to an enforcement notice	\$20,000; IMP 1 yr w/ or w/out HL in default

50	<ul style="list-style-type: none"> a) Wilfully hinder, obstruct, assault/intimidate authorised officer b) Fail to comply in reasonable time with directive of authorised officer c) Refuse/give false name and residence to authorised officer d) Impersonate authorised officer e) Assault, threaten/intimidate authorised officer in execution of duty 	\$500,000 and/or IMP 6 mths
51	Fail to keep/produce records without reasonable excuse	\$500,000 and/or IMP 6 mths
55(5)	Fail to comply with notice	\$100,000
58(3)	Refuse/fail to comply with notice	\$500,000; IMP 6 mths in default
59(6)	Continue/authorise continued offending activity after service of enforcement notice	\$1,000,000 and/or IMP 1 yr

The Watersheds Protection Act (1963)

The purpose of the Watersheds Protection Act is to provide for the protection of watersheds and areas adjoining watersheds and promote the conservation of water resources. The Watersheds Protection Act is administered by the Natural Resources Conservation Authority/National Environment and Planning Agency.

SEC	DESIGNATED PERSONNEL	POWERS
9(1)	Person authorized by the Watersheds Protection Commission	Enter land in watershed at reasonable time to inspect condition, ascertain crops cultivated, and assess suitability of improvement work. If private land consent of occupier required or 3 days notice

It is an offence to:

SEC	OFFENCE	PENALTY
28	Assault/obstruct a servant or agent of the Authority in execution of duty	\$200 or IMP 1 yr

	Wilfully/maliciously destroy, damage or obstruct improvement of works	\$200 or IMP 1 yr Compensation for damage up to \$400
--	---	--

The Wildlife Protection Act (1945)

The Wildlife Protection (Amendment) Act Order (1998)

The Wildlife Protection Act and Regulations are primarily concerned with the protection, management and conservation of specified species of animals and the regulation of the hunting of specified animals including birds. The Wildlife Protection Act and Regulations are administered by the Natural Resources Conservation Authority/National Environment and Planning Agency. The penalties for the Wildlife Act and Regulations are to be found in the Wildlife Protection Act (Amendment) Order 1998.

SEC	DESIGNATED PERSONNEL	POWERS
7(3)	Game Warden / Constable	Enter and search cold storage premises
15	Game Warden / Constable / Fishery Inspector	Enter and inspect land where it is suspected an offence took place or is about to be committed
16	Game Warden / Constable / Fishery Inspector	Search person or conveyance in public area, crown land, game or fish sanctuary they reasonably suspect to have committed an offence
17	Game Warden / Constable / Fishery	Stop and detain any person who commits or is

	Inspector	reasonably suspected of committing an offence. Designated personnel may arrest such person without warrant for failure to give name and address. <u>DUTY</u> (Game Warden and Fishery Inspector): <u>Caution and take to police station immediately</u>
--	-----------	---

It is an offence to

SEC	OFFENCE	PENALTY
4(1)	In a game sanctuary: a) Hunt any animal or bird b) Take the nest or egg of a bird d) Take or allow a dog to enter e) Carry gun, catapult or other weapon for hunting	\$100,000 and/or IMP 1 yr
4(2)	Possess animal or bird or its nest or egg	\$100,000 and/or IMP 1 yr
6(2)	a) Hunt protected animal or bird b) Possess all or part of protected animal or bird c) Take or possess nest or egg of protected bird	\$100,000 and/or IMP 1 yr

7(2)	<ul style="list-style-type: none"> a) Hunt game bird in close season or on unauthorised day b) Possess hawks for sale/offer or sell; store game birds 	\$100,000 and/or IMP 1 yr
8	<ul style="list-style-type: none"> a) Take, possess or try to sell turtle eggs b) Hunt animal/bird in Exclusive Economic Zone without licence 	\$100,000 and/or IMP 1 yr
9	Knowingly buy, sell, expose for sale, possess, kill, injure or take immature fish	\$50,000 and/or IMP 2 yrs
10	<ul style="list-style-type: none"> a) Use/cause use of dynamite/explosive substance to kill/injure fish b) Use/allow use of poison, lime or noxious material to take, kill or injure fish c) Unlawfully/maliciously cut, break, damage, destroy a dam, floodgate, sluice to kill trap or injure fish d) Use/allow use of unauthorised trap in river, stream or canal 	\$100,000 and/or IMP 1 yr

11	Cause or knowingly allow entry of trade effluent/industrial waste, noxious, polluting substances into any body of water with fish	\$100,000 and/or IMP 1 yr
12	Knowingly buy, sell/possess fish killed/injured contrary to Act	\$10,000 or IMP 1 yr
15	Obstruct or deny entry to Fishery Inspector, Game Warden or Constable during duty	\$10,000 or IMP 1 yr
18	Give false personal information to authorised person	\$2,000 or IMP 1 yr
19	Assault, obstruct or hinder fishery inspector, game warden or constable or aid this action during the execution of duty	\$10,000 or IMP 1 yr

See page 127 for Caution.

See page 155-156 for a list of designated Game Reserves

See page 158 for the list of animals protected by this Act.

The Wildlife Protection (Game Bird Hunting Limit) Regulations (1992)

It is an offence to:

SEC	OFFENCE	PENALTY
2	Shoot more than the statutorily allotted number of game birds per shoot	\$100,000 or IMP 1 yr

(NOTE THE ALLOTTMENT PER SHOOTER MAY CHANGE ANNUALLY. ALWAYS CHECK THE ORDER MADE PURSUANT TO THE WILDLIFE PROTECTION (GAME BIRD HUNTING LIMIT) (AMENDMENT) REGULATIONS EACH YEAR TO FAMILIARISE YOUR SELF WITH THE ALLOTTED QUOTA)

The Wildlife Protection (Hunters Licences) Regulations (1973)

It is an offence to:

SEC	OFFENCE	PENALTY
3	Hunt game birds without a licence	\$100,000 or IMP 3 mths w/ HL in default
6	Fail to carry hunters licence when hunting game bird	\$100,000 or IMP 3 mths w/ HL in default
7	Fail to produce valid hunters licence when requested by game warden	\$100,000 or IMP 3 mths w/ HL in default

See the Wildlife Protection (Shooting Season) Order of the current year for the birds that can be hunted and what days and times they may be hunted.

See the Wildlife Protection (Game Bird Hunting Limit) Regulations for the current year for the quota of birds that can be hunted.

The Wildlife Protection (Hunters Returns) Regulations (1999)

It is an offence to:

SEC	OFFENCE	PENALTY
3	Fail to keep a wing feather of each bird shot for inspection	\$2,000



The Wildlife Protection (Shooting Season) Order

This Order specifies the kinds and combination of birds, which can be hunted, and what days and times they may be hunted.

The combination of birds which may be shot each year is dependent upon the annual survey by the Game Bird Sub-Committee.

This order changes every year.

Game Birds

Long-tailed Pea Dove, White-wing Dove, Bald-pate, Pea Dove, Blue-winged Teal and Green-winged Teal.



Enforcement Procedures

Before commencing any action you must ensure that you:

- a) Fall within the designated personnel granted the right to enforce the legislation
- b) Know the powers granted to the persons designated in each legislation
- c) Know the offence(s) listed in each Act or accompanying set of Regulations as well as any exceptions to them.

The Pocket Guide provides this information. Once you satisfy the necessary criteria in relation to the above, the next step is actual enforcement of the legislation. This requires some basic knowledge on the enforcement process. Several factors impact on whether the prosecution is successful or not. Here is some basic information that will guide you in your daily activities.

Evidence is pivotal to the successful conclusion of a criminal matter and therefore the method of collecting evidence is very important. NEPA's Enforcement and Compliance Manual speaks to this in greater detail but the following provides a general means of referral when out in the field. Collection of evidence can be achieved via various means, and is sometimes contingent on the powers that are granted to you under your legislation, that is the ability to enter premises, question a witness, search and seize items and arrest persons.

Enforcement Procedures – Entry

Where entry to premises is allowed under legislation without a warrant, it is sometimes stated that this should be at a reasonable time, that is between 6:00 am and 6:00 pm. In some instances this might not be possible especially where there is a risk of the evidence either being moved or the suspect absconding. Where possible however, it is recommended that a warrant be obtained from a Resident Magistrate or Justice of the Peace before any such entry is attempted thereby acting out of an abundance of caution.

Always ensure that you observe the following protocol:

- 1) Produce identification to the occupier of premises on or prior to entering the premises thereby establishing your legal authority to so enter.
- 2) Where the intent is to inspect or obtain information this should be carried out at a reasonable time.
- 3) Note whether the legislation under which you are operating requires that notice be given before entering private premises

Entry to premises is often used as a means of conducting a search.

Enforcement Procedures – Questioning a Witness

When an Enforcement Officer is trying to discover whether, or by whom, an offence has been committed, he/she is entitled to question any person, whether suspected or not, from whom he thinks useful information may be obtained. This is so whether the person in question has been taken into custody as long as the person has not been charged or informed that he may be prosecuted for it.

As soon as the Enforcement Officer has evidence which could afford reasonable grounds for suspecting that a person has committed an offence he shall caution that person or cause him to be cautioned before putting to him any questions, or further questions, relating to that offence.

The caution (also on page 127) that should be used is as follows:

“You are not obliged to say anything unless you wish to do so but what you say may be put into writing and given in evidence in a court of law.”

When, after being cautioned a person is being questioned, or elects to make a statement, a record shall be kept of the time and place at which any such questioning or statement began and ended and of the persons present.

Enforcement Procedures – Service of Notices

Natural Resources Conservation Authority Act

Documents that are to accompany the Enforcement Notice: -

1. NRCA Tribunal Rules
2. Copy of Notice of Appeal
3. Affidavit of Service

Service of Enforcement Notices and Cessation Orders may be effected by the following methods:

- a) Delivering it to the person on whom it is to be served;
- b) Sending it by registered post addressed to the person at his usual or last known place of abode;
- c) In the case of an incorporated company, by delivering it to the secretary or clerk of the company at their registered or principal office or sending it by registered post addressed to the secretary or clerk of the company at that office;
- d) on whom it should be served, service may be effected by addressing it to the person by the description “owner” or “lessee” or “occupier” of the premises to which it relates. The documents should be delivered to a person on the premises, and if there is no one on the premises to whom it can be delivered a copy of it, may be affixed to some conspicuous part of the premises.

The time limit for serving an enforcement notice under the Natural Resources Conservation Authority Act is one year from the date of the discovery of the offence.

Town and Country Planning Act

Under section 30, a notice may be served in accordance with the Act by:

- a) Delivering it to the person on whom it is to be served;
- b) Leaving it at the usual or last known place of abode of that person;
- c) Sending it by registered post addressed to the person at his usual or last known place of abode;
- d) In the case of an incorporated company, by delivering it to the secretary or clerk of the company at their registered or principal office or sending it by registered post addressed to the secretary or clerk of the company at that office;
- e) If it is not practicable after reasonable enquiry to ascertain the name or address of the person on whom it should be served, service may be effected by addressing it to the person by the description “owner” or “lessee” or “occupier” of the premises to which it relates. The documents should be delivered to a person on the premises, and if there is no one on the premises to whom it can be delivered, a copy of it, may be affixed to some conspicuous part of the premises.

Enforcement Procedures – Search

Several of the previously listed legislation allows for the searching of persons, premises and conveyances with or without a warrant. ***Ensure that you are aware of whether the legislation under which you are operating requires that a warrant be obtained before a search is conducted.*** It is important that where a search is being carried out that the following procedures be followed:

1. Produce your identification.
2. Inform the person of the reason for the search.
3. Where possible, ensure that a search of either premises or a conveyance is not carried out alone; ensure that you have someone to observe the suspect while you are carrying out the search.
4. Have the occupier or person in charge of the conveyance accompany you and observe your action.

In the case of a body search the following procedures should be observed:

5. Search the body in halves that is the right side and then the left.
If there is a wall or other such object you should get the person to lean into this with their legs spread while you conduct the search.
6. Always have the suspect search his/her pockets and remove the items for you to inspect

7. If you find a firearm during the search, unload the chamber and show the suspect that you have found the weapon, and process immediately to the nearest Police Station or cell

Based on the fact that there is a constitutional right to not be subject to arbitrary search, ensure that you have reasonable grounds on which to base the reason for the search being carried out. This applies to searches carried out on persons, property and conveyances.

A FEMALE SUSPECT CAN ONLY BE SEARCHED BY ANOTHER FEMALE.



Enforcement Procedures – Seizure and Detention

Items that are discovered which support the fact that an offence has been committed are often seized and detained. The majority of environmental and planning legislation allows for the seizure and detention of such items. Where items are removed from the person, premises or conveyance have the observer witness that these item(s) were removed.

Once there is some item that can be defined as evidence it must be secured. Preservation of evidence is key and can be achieved via the following means:

1. **Note taking:** Personal notes taken by the person detecting the offence can be utilised during the trial or to make an accurate statement. It often assists in the recollection of minor yet significant details and provides a more current record especially if there was some delay between the time of the detection and the trial of the matter. It is recommended that this tool be utilised as soon as the event is noted, so as to prevent any lapse in memory. The following should be carefully noted:
 - Use one notebook consistently for taking down information relating to an offence and number its pages.

- Do not remove pages from this notebook and it should only be used for the recording of evidence collected in investigations.
 - Each offence should be recorded on a separate page and only the relevant facts should be included in the entry.
 - Diagrams and drawings can be used.
2. **Photographs:** These items serve to support other types of evidence and provide a clear indication to the viewer of the fact being described. Photographs are often used when it is not possible for the actual item to be introduced into evidence, for example where the item is perishable. It is important to note that particular care needs to be taken to ensure that a proper record of the entire process is kept from the time that the picture is taken to the point that it is presented as evidence. Sign and date all pictures.
 3. **Samples:** In some instances it is not possible to bring a sample to Court. It is vital however, depending on the nature of the case, that samples are taken especially where this is required to prove that an offence in fact took place. Where samples are taken, it is important that if these have to be tested, that this be carried out as soon as possible, and that samples are properly collected and preserved.
 4. **Video and audio recording:** This is another means by which evidence can be preserved. Care has to be exercised however, to ensure that there is no suggestion of tampering.

Authenticity and originality are what is important and once these are proved, then the admissibility of the evidence should not be questioned.

It is important that a chain of custody or continuity of evidence be maintained at all times. This is a means by which the evidence is accounted for from the time that it is collected, to the point that it is presented in Court. Continuity can be established once there is a clear record of the entire process of collection and preservation of evidence. Where evidence has to be transported from one place to another, it is recommended that a receipt book accompany it to allow for the recording of the places where it is stored and under whose supervision.



Enforcement Procedures – Arrest

Another key thing in the process of enforcement is the issue of arrest of persons. Arrest is described as depriving someone of their liberty using a lawful authority so as to bring them before a court of law. Discretion is often what will serve to guide you when determining whether you should arrest someone or not.

Several of the pieces of legislation listed above give this power to the designated personnel to arrest individuals without a warrant. It usually results in the physical restraint of the suspect. ***The legislation often indicates whether certain limitations are placed on the exercise of discretion as to whether to arrest a suspect.*** If this is the case, then be sure to make reference to these stipulations.

The following guidelines should be noted when effecting an arrest:

1. Produce your identification and inform the suspect as to why they are being arrested.
2. Let them know they are not obliged to say anything, but that if they do it might be used against them in a court of law. See page 127 for the Caution. Make a note thereafter of anything that is said by the suspect.

3. Give them the opportunity once they are secured to contact at least one person.
4. When transporting them to the place of safekeeping, namely a police station, do not take them on a busy street or use public transportation. If you are walking with them, grasp the back of the waistband firmly and place their power arm either behind their back or straight out. If they are transported privately do not allow them to drive or sit behind the driver.
5. Where an arrest is carried out, use of force is a consideration and should be limited to ensuring that your safety is never compromised. The exercise of your discretion is to be based on the facts that exist at the time of arrest. After arresting a person, you must ensure that they are brought before a Resident Magistrate as soon as possible. It is also recommended where possible that you seek the assistance of the police to effect the arrest.
6. Where a person is detained but not arrested, you must ensure that they do not remain in this state for longer than twenty-four hours.



Enforcement Procedures – Caution

When questioning a witness (see page 117):

“You are not obliged to say anything unless you wish to do so but what you say may be put into writing and given in evidence.”

When effecting an arrest (see page 125):

“Do you wish to say anything? You are not obliged to say anything but whatever you say will be taken down in writing and may be given in evidence.”

Information

Parish of *Clarendon*

The Information and Complaint of

George Watchful

of the parish of *Clarendon* made and taken upon oath before the undersigned this *15th*
day of *December* in the year of Our Lord *Two Thousand and Four* who saith that on *Saturday*
the *2nd* day of *November* in the year *2004*
aforesaid one *Jimmy Hunter* of the said parish of *Clarendon* at *May Pen* and within the
jurisdiction *of this court*

*Did unlawfully have in his possession a part of a protected animal to wit white coral
contrary to section 6(2)(b) of the Wildlife Protection Act.*

Against the form of the Statute in such case made and provided, and against the Peace of Our Sovereign Lady the Queen Her Crown and Dignity, and thereupon the said Complaint prays that the said *Jimmy Hunter* defendant may be summoned to answer unto the said Complaint according to Law.

Taken and sworn to before me at *May Pen* in the parish of Clarendon this *2nd* Day of November *Two Thousand and Four*.

.....
Justice of the Peace or Clerk of the Courts
For the Parish of *Clarendon*

In the parish of Clarendon

REGINA }
vs }
Jimmy Hunter }

REGINA }
vs }
 }

For
Tried on
Before

Sentence

Guilty

Summons

PETTY SESSIONS – FORM Y.

Summons to Person Charged

JAMAICA SS.

Parish of *St. Ann* }

To *Monica Graham* }

of the said parish *St. Ann*

WHEREAS Information hath this day been laid before the undersigned, one of Her Majesty's Justices of the Peace in and for the said parish of *St. Ann*

that you *Monica Graham*

on *Saturday* the *8th* day *May*

in the year of Our Lord Two thousand and *four*

at the said parish of *St. Ann*

and within my jurisdiction

unlawfully had in her possession a part of a protected animal contrary to s 6(2)(b) of the Wild Life Protection Act

against the form of the Statute in such case made and provided and against the Peace of Our Sovereign Lady the Queen. Her Crown and Dignity.

These are therefore to require you, in Her Majesty's name, to be and appear on *Monday* the *12th* day of *May* Two thousand and *four* at ten o'clock in the fore – noon at the Court House, at *Ocho Rios* before such Justices of the Peace for the said parish of *St. Ann* as may then be there to answer to the said Complaint and to be further dealt with according to Law.

Given under my hand this *8th* day of *May* in the year of Our Lord Two thousand and *four*
at the parish aforesaid.

JAMAICA
National Solid Waste Management Authority Fixed Penalty Notice

(under section 53 (2))
FRONT OF FORM

Serial No. of Notice: _____

Take notice that I have cause to believe that on the
at (enter location)at or about (enter time) you:

day of _____, 20 ____

Surname (Last) First Middle

Street Address: _____

Parish

Committed one or more of the following offences contrary to the provisions of the National Solid Waste Management Act 2001, for which I allege that you are liable, namely:-

Alleged offence
(Please tick)

<i>Section</i>	<i>Offence</i>
<input type="checkbox"/> 46(1)(a)	Throwing, dropping or otherwise depositing and leaving any litter in any public place.
<input type="checkbox"/> 46(1)(b)	Erecting, displaying (whether by writing, marking, or otherwise), depositing or affixing anything in a public place or on any building, wall, fence or structure abutting or adjoining a public place, in such circumstance as to cause, contribute to or tend to the defacement of that place, building, wall, fence or structure, as the case may be.
<input type="checkbox"/> 46(2)	On behalf of some other person employing or recruiting you for the purpose, erecting, displaying (whether by writing, marking or otherwise), depositing or affixing anything in a public place or on any building, wall, fence or structure abutting or adjoining a public place, in such circumstance as to cause, contribute or tend to the defacement of that place, building, wall, fence or structure, as the case may be.
<input type="checkbox"/> 47	Throwing, dropping, or otherwise depositing or leaving any litter in any premises owned or occupied by another person without the consent of that other person.
<input type="checkbox"/> 48	Wilfully breaking any bottle or any glass or any article made of glass in or any public place without lawful authority or reasonable excuse the details of which are set out as follows-

Particulars of offence(s): _____

Date of offence(s): _____

Place of offence(s): _____

Brief description of the act(s) which constitute the offence(s): _____

However, if before the _____ day of _____, 20__ (insert date being a date before the expiration of twenty-one days) you pay the fixed penalty of _____ at [Authority] [collectorate] [court] proceedings will not be taken for the offence and you shall not be liable to conviction of the offence. Payments should be made in accordance with the instructions overleaf.

You may notify the Authority in writing that you wish to dispute liability for the offence(s) within 14 days of the date of service of this notice.

If you do not pay the fixed penalty or if you notify the Authority that you wish to dispute liability in accordance with this Notice, an application will be made to the Resident Magistrate for an order that you pay the fixed penalty and additional sum of _____ by way of costs.

Dated this _____ day of _____, 20__.

Signature of authorized officer.

BACK OF FORM

How to pay fixed penalty:

Payment may be made in cash at the [Authority] [collectorate] [court].

To: [full name and address]

I enclose the sum of \$ _____ as payment of the fixed penalty for the offence mentioned in this Notice.

Surname (Last)

First

Middle

Street Address

Parish

Procedures on the Investigation of an Environmental Breach

The first officer attending the scene of an environmental breach should:

1. Assess the scene carefully
2. Consider personal safety
3. Protect any injured person or protected animal.
4. Secure and protect the scene, using cordon tapes, if necessary. At an oil or chemical spill, extend the cordon to cover well beyond where the spill is located and the surrounding areas.
5. Update Enforcement Manager and request technical or specialist assistance and reinforcement if required.
6. Make notes of your actions and observations.
7. Make a record of those persons on the scene and their reason for being there.
8. Keep to the same route in and out of the scene if possible.
9. Protect exhibits from weather/livestock and human interference.
10. Minimise entry of unauthorized persons and challenge unnecessary presence of other officers.
11. Identify any witnesses/suspects.
12. Do not tamper with exhibits or any part of the scene without reasonable excuse.
13. Do not pass any information regarding the scene to members of the public.
14. Treat any media representative politely but with caution. Refer them to a Senior Officer or the Public Education Department

15. Brief the investigating officer fully on his or her arrival at the scene.
16. NEVER JUMP TO CONCLUSIONS.

NB: If in doubt seek advice from your legal team.

When taking photographs of any site, its location should be identifiable from the photograph. This may be achieved by including a recognizable landmark of such location in the photograph.



Sampling Procedures

A. Preparation of sample containers

Types of containers

In choosing the type of sample containers, consideration must be given to the following:

- (a) Volume of sample to be collected
- (b) Durability of containers. e.g. glass containers are subject to breakage
- (c) Ease of cleaning the containers e.g. glass containers can be subjected to vigorous cleaning such as sterilisation.

Contamination of samples

The materials that containers are made of can cause contamination of samples through the leaching of substances from container into the sample.

- Sodium and silicon can be leached from glass.
- Organic substances can be leached from plastics.

Cleaning Procedures

The following procedures should suffice for the cleaning of most sample containers.

Thoroughly wash all sample containers with phosphate free soap, removing all attached labels. If containers are marked with permanent ink, acetone should be used to remove ink. Finally, wash with distilled water. Further cleaning will be done by the lab technician, specific to the type of tests to be carried out.

B. Sampling of water and effluent

Basic Sampling Procedures

This technique can be used for collecting samples from various sources (river, sea etc.). It might be necessary to combine these with additional techniques, depending on the source and sampling conditions.

General (e.g. nutrients, alkalinity)

- i. Collect some of the water sample in the prepared sampling container.
- ii. Rinse the container and discard the water. Carry out the rinsing operation about three times.

- iii. Collect the sample. Ensure that the bottle is completely filled and that the stopper is tightly placed on the bottle. If samples are to be held in the field for more than 4 hours after sampling, samples should be filtered using 0.45 μ m filter paper.

- Be careful and ensure that the discarded water is not re-sampled.

- Pay attention to the determinant to be tested for, as rinsing might not be recommended. e.g. oil and grease.

C. Recording

It is very important that proper records be made of all field activities and conditions when conducting sampling. This is so as to ensure that;

- i. Samples are properly identified and there is no risk of mixing-up of samples
- ii. Field conditions that affect water quality are recorded to allow for the proper interpretation of analytical data
- iii. Allowance be made during analysis for preservatives added to samples
- iv. Records be made of analyses conducted in the field
- v. Sample points are properly identified

Common Offences

OFFENCES	LEGISLATION
<ul style="list-style-type: none"> - Catching and killing turtles and snakes - Hunting game birds in closed season or on unauthorised days - Hunting protected animals or birds - River pollution - Shooting more than the allotted number of game birds per shoot - Use of dynamite or explosive substance to kill or injure fish 	<p>WILD LIFE PROTECTION ACT</p>
<ul style="list-style-type: none"> - Breaches of terms and conditions of permits and licences - Illegal construction and operation of petroleum production, storage and stock piling - Construction of houses of more than ten (10) units without a permit 	<p>NATURAL RESOURCES CONSERVATION AUTHORITY ACT</p>

<ul style="list-style-type: none"> - Illegal disposal of sewage effluent - Illegal dumping of animal waste from slaughter houses - Modification, clearance and reclamation of wetlands - Operating eco-tourism facility without a permit 	NATURAL RESOURCES CONSERVATION AUTHORITY ACT (cont'd)
<ul style="list-style-type: none"> - Construction of hotels and guest houses of more than twelve (12) rooms without a licence - Illegal use of the beach for commercial purposes without a beach licence - Illegal use of the foreshore and floor of the sea without a beach licence - Operation of beach in connection with a hotel or guest house with a licence 	BEACH CONTROL ACT
<ul style="list-style-type: none"> - Failure to comply with an enforcement notice - Illegal change of use from residential to commercial 	TOWN AND COUNTRY PLANNING ACT

<ul style="list-style-type: none"> - Illegal construction of cellular towers without planning approval - Illegal construction generally without planning permission 	TOWN AND COUNTRY PLANNING ACT (T.C.P.A.) cont'd
<ul style="list-style-type: none"> - Operating an illegal quarry 	QUARRIES CONTROL ACT (Q.C.A.)



Prescribed Activities under the Natural Resources Conservation (Permit and Licences) Regulations (1996)

(i.e., activities which require a permit or a licence from the NRCA)

The Prescribed activities under these Regulations are:

- Power generation plants
- Electrical transmission lines and substations over 69 kV
- Pipelines and conveyors (gas lines, underground cables and works with diameter over 15cm)
- Port and harbour developments
- Development projects
 - Subdivisions of 10 or more lots
 - Housing projects with 10 houses or more
 - Hotel and resorts with more than 12 rooms
 - Airports with runway expansion over 20%
 - Office complexes over 5,000 sq metres
- Ecotourism projects
- Water treatment facilities
- Mining and mineral processing
 - bauxite

- aggregate, construction and industrial minerals
 - peat
 - sand
 - metallic
 - non-metallic
- Metal processing
 - non-ferrous metals
 - ferrous metals
 - foundry operations, metal plating
- Industrial projects
 - chemical plants
 - pulp, paper and wood processing
 - petroleum production, refinery, storage and stockpiling
 - food processing plants
 - fish and meat processing plants
 - tanneries
 - detergent and soap manufacture
 - distillery, brewing and fermenting facilities
 - cement and lime production
 - manufacture of textiles
 - manufacture of pesticides or other hazardous or toxic substances

- paint manufacture
- boxing plants
- manufacture of containers and packaging materials
- manufacture of edible fats, oils
- citrus, coffee, cocoa, coconut, sugarcane-processing facilities
- solar salt production
- Construction of new highways, arterial roads and major road projects
- River basin development projects
- Irrigation or water management projects
- Land reclamation and drainage projects
- Watershed development and soil conservation projects (river training, check dams and retaining walls)
- Modification, clearance or reclamation of wetlands
- Solid waste treatment and disposal facilities
- Hazardous waste storage, treatment or disposal facilities
- Processing of agricultural waste
- Cemeteries and crematoria
- Introduction of species of flora, fauna and genetic material
- Slaughterhouse or abattoir
- Felling of trees and clearing of land of 10 hectares or more for agricultural development
- Clear-cutting of forest over 3 hectares on slopes greater than 25 degrees.

The following new categories were introduced in January 2004:

- Golf Courses
- Theme Parks
- Ship Yards
- Marinas
- Boat Yards
- Sewage treatment facilities
- Industrial Waste-water treatment facilities
- Transportation Centres for more than ten vehicles
- Construction or demolition of reservoirs
- Dams
- Dykes and Aqueducts
- Railways
- Tramways and cables
- Cable car operations
- Irrigation and waste management and improvement projects
- Causeways and multiple span bridges
- Hospitals
- Shopping Centres

- Aquaculture facilities and ponds and intensive fish farming
- Storing of scrap metal including derelict vehicles
- Offshore drilling for extraction of oil, natural gas or minerals
- Dry cleaning operations



Categories of Wastes Controlled under the Natural Resources (Hazardous Waste) (Control of Transboundary Movement) Regulations (2003)

Waste Streams

- Clinical waste from medical care in hospitals, medical centres and clinics
- Waste from the production and preparation of pharmaceutical products
- Waste pharmaceuticals, drugs and medicines
- Waste from the production, formulation and use of biocides and phytopharmaceuticals
- Waste from the manufacture, formulation and use of wood preserving chemicals
- Waste from the production, formulation and use of organic solvents
- Waste from heat treatment and tempering operations containing cyanides
- Waste mineral oils unfit for their originally intended use
- Waste oils or water, hydrocarbons or water mixtures, or emulsions
- Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs)
- Waste tarry residues arising from refining, distillation and any pyrolytic treatment
- Waste from production, formulation and use of inks, dyes, pigments, paints, lacquers and varnish
- Waste from production, formulation or use of resins, latex, plasticizers, glues and adhesives

- Waste chemical substances arising from research and development of teaching activities which are not identified or are new and whose effects on man or the environment are not known
- Waste of an explosive nature not subject to other legislation
- Waste from production, formulation or use of photographic chemicals or processing materials
- Waste resulting from surface treatment of metals or plastics
- Residues arising from industrial waste disposal operations

Waste having as a constituent any of the following:

- Metal carbonyls
- Beryllium; beryllium compounds
- Hexavalent chromium compounds
- Copper compounds
- Zinc compounds
- Arsenic; arsenic compounds
- Selenium; selenium compounds
- Cadmium; cadmium compounds
- Antimony; antimony compounds
- Tellurium; tellurium compounds
- Mercury; mercury compounds

- Thallium; thallium compounds
- Lead; lead compounds
- Inorganic fluorine compounds, excluding calcium fluoride
- Inorganic cyanides
- Acidic solutions or acids in solid form
- Basic solutions or bases in solid form
- Asbestos (dust and fibres)
- Organic phosphorus compounds
- Organic cyanides
- Phenols; phenol compounds, including chlorophenols
- Ethers
- Halogenated organic solvents
- Organic solvents, excluding halogenated solvents
- Any congener of polychlorinated dibenzo-furan
- Any congener of polychlorinated dibenzo-p-dioxin
- Organohalogen compounds other than substances referred to in this Schedule

Categories of Structures and types of Commercial Activities under the Beach Control (Licensing) (Amendment) Regulations (1999)

- Beaches used connection with hotels and guest houses
- Commercial recreational beaches, public recreational beaches, proprietary and members clubs with beaches
- Beaches used exclusively in connection with a dwelling place or building, rented for recreational purposes
- Commercial or industrial beaches (used other than for commercial recreational purposes)
- Fishing beaches
- Encroachments on the foreshore or on the floor of the sea for private or public purpose or for or in connection with any trade or business or commercial enterprise, including groyne, pipeline, pump, flight of steps and enclosed pool or building, breakwater, duct or flume, slipway, fence, pylon, anchored raft, water slide, spring board, cable, sea wall, platform, capital dredging, maintenance dredging, dredging by the port authority, reclamation (coastline or wetlands), artificial reef
- Moorings on the foreshore or on the floor of the sea for any purpose
- Beach reserved exclusively for the use of owners of lots in a subdivision
- Beach reserved exclusively for the use of schools, churches, the Boy Scouts and Girl Guides Association, Friendly Societies or bodies for charitable or educational purposes

Restricted Pesticides (Pesticides Act)

Acticide 45	Acticide 50X	Bravo	Demand CS
Acticide 50X	Apistan	Brom-o-gas	Demon 25 EC
Acticide AF	Actril	Cynoff 44.2 WP	Demon 40
Acticide AZ	Aliette 80 WP	Cynoff 35.6 WSB	Demon TC WP
Acticide BG	Anvil	Cynoff 24.8 EC	Dragnet FT 36.8 EC
Acticide EP-Paste	Apistan	Calixin	Diversey K
Acticide EP –Powder	Atramet	Cynoff 24.8 EC	DDVP
Acticide EW- Paste	Atranex combi	Clorpyrifos	Danitol
Acticide HF	Bankit	Cynoff 44.2 WP	Diverside KS
Acticide SPX	Banole	Cynoff 35.6 WSB	Demand CS
Acticide SR 1278	Barot	Cuprinol wood preserver	Demon 40

Demon 25 EC	Knock out	Phostoxin pellets	Thiodan
Demon TC WP	Lannate WSP	Phostoxin tablets	Tuffcide
Dragnet FT 36.8 EC	Nuocide 40.4D AF	Polyphase	Skane
Ectodip Forte	Nuocide 960 WP	Prelude	Vydate
Fingaflor	Magnate Sulphate	Prevail	Wolman
Furadan	Meth-o-gas 100	Rugby	2,4 D amide
Gesapax combi	Mocap	Surrender termite killer	
Konservan ZS	Miral	Troysan	

Game Reserves (Wild Life Protection Act)

NAME	LOCATION
Bogue Estate	St. James
Kingston and St. Andrew	Kingston & St. Andrew
Knapdale	St. Ann
Reigate	Manchester
Stanmore Hill	St. Elizabeth
Alligator Pond, Gut River, Canoe Valley	Manchester
Amity Hall	St. Catherine
Bogue Lagoon Creek	St. James
Glistening Waters	Trelawny
The Great Morass, Holland Bay	St. Thomas
The Lower Morass, Black River	St. Elizabeth
Cabarita Point	St. Catherine

Long Island	Clarendon
Mason River Savanna	Clarendon
West Harbour – Peak Bay	Clarendon



Animals Protected under the Wildlife Protection Act (1945) and Amendments

Animals protected under this Act are:

- Coney
- Crocodile
- Iguana
- Manatee
- Pedro Seal
- Green Turtle
- Hawksbill Turtle
- Loggerhead Turtle
- Atlantic Ridley Turtle
- Atlantic Leatherback Turtle
- Giant Swallowtail Butterfly
- Yellow Snake
- Black Coral
- White Coral
- Bottlenose Dolphin
- Sperm Whale
- Pantropical Spotted Dolphin
- Baird's Beaked Whale
- Short-finned Pilot Whale
- Humpback Whale
- Reid Seahorse
- Jamaican Kite Swallowtail Butterfly

Location of Lead Agencies

NAME	ADDRESS	TEL.	WEBSITE	EMAIL
Division of Mines and Geology	Hope Gardens Kingston 6	927-1936-9	www.minesandgeology.gov.jm	commissioner@minesandgeology.gov.jm
Forestry Department	173 Constant Spring Road, Kingston 8	924-2667 924-2626	www.forestry.gov.jm	forestrydepartment@forestry.gov.jm
Island Special Constabulary Force	Harman Barracks, P.O.Box 25, Kingston 4.	928-5808 938-3377	www.jamaicapolice.org.jm	pncc@cwjamaica.com
Jamaica National Heritage Trust	79 Duke Street, Kingston	922-1287-8 922-3990	www.jnht.com	jnht@wtjam.net
National Environment and Planning Agency	10-11 Caledonia Avenue,	754-7540 Hotline:1-888 991-	www.nepa.gov.jm	www.pubed@nepa.gov.jm

NAME		ADDRESS	TEL.	WEBSITE	EMAIL
		Kingston 5	5005		
Ministry of Agriculture	Head Office	Hope Gardens, Kingston 6	927-1731	www.moa.gov.jm	dawallace@moa.gov.jm
	Fisheries Division	Marcus Garvey Drive Kingston 13	923-8811 923-7571	www.fisheries.gov.jm	fisheries@cwjamaica.com
	Veterinary Division	Hope Gardens Kingston 6	977-2492 977-2489		nsep@mail.infochan.com
Ministry of Health & Environment	Head Office	2 King Street Kingston	967-1100	www.moh.gov.jm	webmaster@moh.gov.jm
	Environmental Management Division	16A Half-Way-Tree Road. Kingston 5	920-4081 920-3273		

NAME	ADDRESS	TEL.	WEBSITE	EMAIL
Ministry of Foreign Affairs & Foreign Trade	21 Dominica Drive Kingston 5	926-4220	www.mfaft.gov.jm	mfaftjam@cwjamaica.com
National Works Agency	140 Maxfield Avenue Kingston 10	926-3210	www.mtw.gov.jm	ps@mtw.gov.jm
Maritime Authority of Jamaica	40 Knutsford Blvd. Kingston 5	754-7254	www.jamaicaships.com	registrar@jamaicaships.com
Office of Disaster Preparedness and Emergency Management	12 Camp Road Kingston 4	928-5111-4	www.odpem.org.jm	info@odpem.org.jm
Pesticides Control Authority	81 Knutsford Blvd. Kingston 5	906-6939	www.moh.gov.jm	webmaster@moh.gov.jm

NAME	ADDRESS	TEL.	WEBSITE	EMAIL
National Solid Waste Management Authority	61 Half Way Tree Road Kingston 5	920-7939 926-3988	www.nswma.gov.jm	nswma@nswma.gov.jm
Water Resources Authority	Hope Gardens, Kingston 7	927-0077	www.wra-ja.org	commander@cwjamaica.com

Court Addresses

COURT	ADDRESSES	TELEPHONE NO.
Court of Appeal	Public Bldg E 134 Tower St	922-8300
Supreme Court	Public Bldg E 134 Tower St	922-8300 / 967-4859
Kingston Black River Court's Ofc Brown's Town Court's Ofc Duncans Court House Lucea Court's Ofc Mandeville Court's Ofc May Pen Court's Ofc Montego Bay Court House	Half Way Tree, Kingston 10 High St Brown's Town Post Office St Lucea Park Cres Sevens Rd St. James St	926-3750 965-2259 975-2220 954-2136 / 954-2190 956-2280 962-2191 / 962-9593 986-2336 952-3323 / 971-6585

COURT	ADDRESSES	TELEPHONE NO.
Morant Bay	4 South St	982-2267 / 982-1699
Port Antonio	Harbour St	993-2549 / 715-4580 / 715-4996
Port Maria Court's Ofc	Main St	994-2238 / 994-2532
Santa Cruz Court's Ofc	Santa Cruz	966-3689
Spanish Town	15 ½ White Church St	984-3037 / 984-4295 / 907-4396
St. Ann's Bay	St. Ann's Bay	927-2303
Savana-la-mar	Grt. George St	918-0614
Yallahs	Yallahs	703-3667 / 706-534

Police Stations

Parish	Location	Telephone Number
Clarendon	May Pen	986-2208
Hanover	Lucea	956-2333
Kingston	Central	922-4927 / 922-8860
Kingston	Half Way Tree	926-8184 / 926-7129 / 906-3116-9 / 906-3120-1
Manchester	Mandeville	962-2250
Portland	Port Antonia	993- 2546 / 993-9233 / 715- 0013
St. Ann	Ocho Rios (Evelyn St.)	974-2533 / 974 -4588
St. Catherine	Greater Portmore	949-8390-3
St. Catherine	Spanish Town	984- 2305
St. Elizabeth	Santa Cruz	966-2289
St. James	Montego Bay	952-2333/ 952-3781
St. Mary	Port Maria	994- 2223
St. Thomas	Morant Bay	982-2233 / 982-2446 / 734-0276
Trelawny	Falmouth	954-3222
Westmoreland	Sav-La-Mar	955-2536

References

1. Beach Control Act
2. Beach Control Regulations
3. Clean Air Act
4. Country Fires Act
5. Endangered Species Act
6. Exclusive Economic Zone Act
7. Fishing Industry Act
8. Fishing Industry Regulations
9. Flood Water Control Act
10. Forest Act
11. Forest Regulations
12. Land Development and Utilization Act
13. Maritimes Areas Act
14. Mining Act
15. National Solid Waste Management Act
16. Natural Resources Conservation Authority Act
17. Natural Resources (Hazardous Waste) Regulations
18. Natural Resources (Marine Park) Regulations
19. Natural Resources (National Park) Regulations
20. Pesticides Act
21. Public Health Act
22. Public Health (Nuisance) Regulations
23. Quarries Control Act
24. Town and Country Planning Act
25. Watersheds Protection Act
26. Water Resources Act
27. Wildlife Protection Act
28. Wildlife Protection Regulations



Notes



Notes



Mission

“ To promote Sustainable Development by ensuring protection of the environment and orderly development in Jamaica through highly motivated staff performing at the highest standard.”

Mission Statement of the National Environment and Planning Agency

