



THE
JAMAICA GAZETTE
SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

751

Vol. CXXXVIII

MONDAY, SEPTEMBER 14, 2015

No. 111

No. 145A

**THE NATURAL RESOURCES CONSERVATION
AUTHORITY ACT**

**THE NATURAL RESOURCES (MARINE PARKS) (AMENDMENT)
REGULATIONS, 2015**

In exercise of the power conferred upon the Minister by section 38 of the Natural Resources Conservation Authority Act, and of every other power hereunto enabling, the following Regulations are hereby made:—

1. These Regulations may be cited as the Natural Resources (Marine Parks) (Amendment) Regulations, 2015, and shall be read and construed as one with the Natural Resources (Marine Parks) Regulations, 1992 (hereinafter referred to as the principal Regulations), and all amendments thereto.

2. Regulation 2 of the principal Regulations is amended by deleting the definition of “authorized officer” and substituting therefor the following—

““authorized officer” means any of the following persons—

- (a) a person authorized under section 20 of the Act;
- (b) any officer employed to the Authority;
- (c) any member of the Security Forces;
- (d) any officer designated as a Fishery Inspector under the *Fishing Industry Act*;
- (e) any marine park manager;
- (f) any person designated as a marine park ranger under regulation 24;
- (g) any public designated as an authorized officer by the Authority;”.

3. Regulations 3 of the principal Regulations is amended—

- (a) in paragraph (1) by deleting the words “, except with the written permission of the Authority and in accordance with the provisions of a licence or permit granted under any other enactment;”;
- (b) in paragraph (2) by deleting the word “forty” and substituting therefor the word “fifty”.

4. Regulation 8 of the principal Regulations is amended in paragraph (7) by deleting—

- (a) the figure “(2)” and substituting therefor the figure “(3)”;
- (b) the word “forty” and substituting therefor the word “fifty”.

5. The principal Regulations are amended by inserting next after regulation 8 the following regulation—

Horseback
riding.

8A.—(1) A person shall not ride a horse in a marine park [or bring any horse into a marine park] without the written permission of the Authority.

(2) A person who contravenes paragraph (1) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.”.

6. Regulation 9 of the principal Regulations is amended—

- (a) by deleting sub-paragraph (a) of paragraph (2);

-
- (b) in paragraph (2)(b) (iii) by inserting the word “and” next after the word “research”;
 - (c) in paragraph (4) by deleting the word “forty” and substituting therefor the word “fifty”.
7. Regulation 9A of the principal Regulations is amended in paragraph (7) by deleting the word “thirty” and substituting therefor the word “fifty”.
8. Regulation 9B of the principal Regulations is amended in paragraph (9) by deleting the word “thirty” and substituting therefor the word “fifty”.
9. Regulation 9D of the principal Regulations is amended in paragraph (4) by deleting the word “thirty” and substituting therefor the word “fifty”.
10. Regulation 9E of the principal Regulations is amended by—
- (a) deleting the words “and the marine park manager may” and substituting therefor the words “may in writing, after consultation with the marine park manager,”;
 - (b) deleting the words “and the marine park manager are” and substituting therefor the words “, after consultation with the marine park manager, is”.
11. Regulation 11 of the principal Regulations is amended in paragraph (2) by deleting the word “thirty” and substituting therefor the word “fifty”.
12. Regulation 13 of the principal Regulations is amended in paragraph (4) by deleting the word “twenty” and substituting therefor the word “fifty”.
13. Regulation 14 of the principal Regulations is amended—
- (a) in paragraph (a) by deleting the word “twenty” and substituting therefor the word “forty”;
 - (b) in paragraph (b) by deleting the word “forty” and substituting therefor the word “fifty”.
14. Regulation 15 of the principal Regulations is amended by deleting the word “forty” and substituting therefor the word “fifty”.
15. Regulation 17 of the principal Regulations is amended by inserting next after paragraph (4) the following paragraph—
- “ (5) A person who contravenes paragraph (1) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding twelve months.”.
16. Regulation 20 of the principal Regulations is amended in paragraph (7) by deleting—
- (a) the word “ten” and substituting therefor the word “forty”;
 - (b) the word “one” and substituting therefor the word “five”.

17. Regulation 21 of the principal Regulations is amended in paragraph (1) by deleting the words “may apply the proceeds of any such sale in or towards satisfaction of any costs incurred in connection with the disposal thereof” and substituting therefor the words “the proceeds of such sale or disposal shall be applied firstly in discharging the costs incurred in the sale or disposal and secondly toward the upkeep of marine parks”.

18. Regulation 22 of the principal Regulations is amended—

(a) in paragraph (1)(b) by inserting next after the words “fish sanctuary” the words “or special fishery conservation area”;

(b) by deleting paragraph (4) and substituting therefor the following—

“ (4) The Authority—

(a) may consult with the Minister responsible for fisheries, and with the Maritime Authority, the Port Authority, the relevant local planning authority, and such Government departments and private individuals as it thinks fit prior to the formulation of the zoning plan; and

(b) shall publish a notice—

(i) setting out the details of the zoning plan for each marine park, once every five years in the *Gazette*; and

(ii) of the publication of the zoning plan pursuant to sub-paragraph (i), in a daily newspaper in circulation throughout Jamaica;

(c) in paragraph (5) by deleting the word “ten” and substituting therefor the word “fifty”.”.

19. Regulation 22A of the principal Regulations is amended—

(a) in paragraph (1) by deleting the words “in reasonably practicable after a marine park has been declared” and substituting therefor the words “is reasonably practicable after a marine park has been designated”;

(b) by inserting next after paragraph (2) the following paragraph—

“ (3) The Authority shall—

(a) consult with [the Advisory Board], and such Government departments and private individuals as the Authority thinks fit, in preparing a plan of management under paragraph (1); and

(b) ensure that the management plan is updated at least once in every five years.”.

20. Regulation 23 of the principal Regulations is amended in paragraph (1) by inserting next after the words "the Authority may" the words "in writing".

21.—(1) Regulation 27 of the principal Regulations is amended—

(a) in paragraph (1) by deleting the words "a marine park" and substituting therefor the words "marine parks";

(b) by deleting paragraph (2) and substituting therefor the following—

“ (2) The Board appointed under paragraph (1) shall consist of—

(a) the manager of each marine park;

(b) the chairman of the Authority or the chairman's nominee;

(c) a representative of the Fisheries Division of the ministry responsible for fisheries;

(d) a person who is representative of academia;

(e) a person who is qualified in marine biology;

(f) a representative of the ministry responsible for tourism;

(g) a representative of the Maritime Authority; and

(h) a representative from the fisheries sector.”;

(c) in paragraph (3) by deleting the word "Minister" and substituting therefor the word "Authority";

(d) by deleting paragraph (8) and substituting therefor the following—

“ (8) The functions of the Board shall be to make recommendations to the Authority on the preservation of the ecological system in marine parks and, without prejudice to the generality of the foregoing, to—

(a) advise the Authority on matters relating to the administration, control and preservation of the resources of marine parks;

(b) review a management plan for the proper operation and management of marine parks;

(c) monitor management strategies to see whether they are achieving their desired effects; and

(d) institute programmes to raise revenue for marine parks.”;

(e) in paragraph (9)(b) by deleting the words "prescribe the conditions" and substituting therefor the words "recommend the conditions to be prescribed";

(f) in paragraph (9)(c) by deleting the word "co-ordinate" and substituting therefor the word "recommend".

22. The First Schedule to the principal Regulations is amended—

- (a) in item 1 thereof by deleting the figures “\$1,000.00” and substituting therefor the figures “\$4,000.00”;
- (b) in item 2 thereof by deleting the figures “\$2,000.00” and substituting therefor the figures “\$6,000.00”.

23. The principal Regulations are amended by deleting the Second Schedule and substituting therefor the following—

SECOND SCHEDULE		(Regulations 9, 9A, 9B, 9C and 9D)
<i>Fees payable in respect of permits</i>		
Type of Permit		Fee
1. Research or collection of specimen for purposes other than commercial or industrial		\$ 6,000.00
2. Research or collection of specimen for purposes that are commercial or industrial		\$12,000.00
3. Scuba diving—		
(a) daily—non-resident		\$5.00 (US)
(b) annual (one marine park)—non-resident and resident		\$40.00 (US)
(c) annual (all marine parks)—non-resident and resident		\$100.00 (US)
4. Snorkelling facility—		
(a) 500 persons or less per annum		\$200.00 (US)
(b) more than 500 persons but less than 1,000 persons per annum		\$400.00 (US)
(c) 1,000 persons or less than 3,000 persons per annum		\$800.00 (US)
(d) 3,000 persons or more per annum		\$1,600.00 (US)

SCHEDULE, *contd.**Fees payable in respect of permits*

Type of Permit				Fee
—				—
5. For mooring—				
(a) daily	...	...	...	\$ 100.00
(b) annual	...	...	...	\$ 7,500.00
6. Video or film—				
(a) site	...	...	...	\$10,000.00
(b) filming or video taping	...	...	...	\$25,000.00
(c) television or advertisement	...	...	...	\$15,000.00
(d) documentary	...	...	...	\$ 7,000.00

Notes: Reference to (US), in relation to any dollar amounts, means that amount in the currency of the United States of America, or the equivalent amount in Jamaican dollars based on the Bank of Jamaica weighted average prevailing on the date of payment.”.

Dated this 2nd day of September, 2015.

ROBERT PICKERSGILL
Minister of Water, Land, Environment
and Climate Change.