

TRINIDAD AND TOBAGO.

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No. 35—1933.

I ASSENT,

[L.S.]

A. C. HOLLIS,
Governor.

21st December, 1933.

AN ORDINANCE to repeal the Wild Birds and Animals
(Protection) Ordinance, Cap. 276 and to substitute
other provisions in lieu thereof.

BE it enacted by the Governor of Trinidad and Tobago
with the advice and consent of the Legislative Council
thereof as follows :—

1. This Ordinance may be cited as the Wild Animals and Birds (Protection) Ordinance, 1933, and shall come into operation on such day as may be fixed by the Governor by proclamation. Short title and Commencement.

2. In this Ordinance—

“ Crown Lands ” includes

Definitions.

- (a) the waste or vacant land of the Crown within the Colony ; and
- (b) all lands other than Forest Reserves vested in His Majesty whether by forfeiture, escheat, purchase or exchange, and not dedicated to the public.

[Price 6d.]

“ Forest Reserve ” means a Forest Reserve declared as such under the Land Regulations for the time being in force.

“ Game Reserve ” means any area declared to be a Game Reserve in accordance with section 3 of this Ordinance.

“ Game Warden ” means any person appointed to be a Game Warden in accordance with the provisions of this Ordinance.

“ Gun ” includes air gun, blow pipe and any article whereby a missile may be propelled.

“ Hunt ” includes killing, capturing or wilfully molesting by any method and also attempts to kill, capture or molest any animal or bird.

“ Licence ” means a licence to hunt animals and birds issued under the provisions of this Ordinance.

“ Licence Holder ” means a person holding a current licence.

“ Protected Animal ” “ Protected Bird ” “ Protected Animal or Bird ” means any animal or bird (excluding any animal or bird kept in a domesticated state) not specified or mentioned in the 2nd Schedule.

Game
Reserves.

3. (1) The areas the boundaries of which are set forth in the 1st Schedule to this Ordinance are hereby declared to be Game Reserves.

(2) The Governor in Executive Council may by Proclamation amend the 1st Schedule by substituting or adding thereto other areas to be defined in such Proclamation and may alter the limits and boundaries of any Game Reserve.

Prohibition on
hunting in
Game
Reserves.

4. (1) Any person who hunts any animal in a Game Reserve or is found within a Game Reserve under circumstances showing that he was unlawfully in pursuit of any animal shall be guilty of an offence and liable to a penalty not exceeding five pounds or in the case of a second or subsequent offence to a penalty not exceeding twenty-five pounds.

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

(3) The Governor in Executive Council may by Proclamation exempt from protection any animal in a Game Reserve either absolutely conditionally or during a stated period.

(4) For the purposes of this section the term " animal " means mammals and birds or any parts thereof but does not include any animal or bird kept in a domesticated state.

5. Subject to the provisions of sub-section (3) of the preceding section it shall not be lawful for any person to carry any gun or spear in any Game Reserve or for the owner of any dog to take such dog into or allow his dog to stray into a Game Reserve save with the written permission of a Game Warden. Provided that a public road passing through a Game Reserve shall not, for the purposes of this section, be deemed to be part of such Game Reserve.

Restriction on guns or dogs being taken into a Game Reserve.

6. (1) No person shall hunt any animal or bird other than the animals or birds specified or mentioned in the 2nd Schedule. Provided that no person shall hunt in any Forest Reserve any animal or bird so specified or mentioned as aforesaid unless authorised so to do by a licence.

Restriction on the hunting of animals and birds.

(2) Any person who contravenes the provisions of sub-section (1) of this section or who knowingly has in his possession any Protected Animal or Bird hunted in contravention thereof or who takes or has in his possession the nest or egg of any Protected Bird shall be guilty of an offence and liable to a penalty not exceeding five pounds in respect of every such Protected Animal or Bird or any part thereof and for every such nest or egg in respect of which an offence is committed.

(3) Where any person has in his possession the whole or part of any Protected Animal or Bird or the nest or egg of any Protected Bird, the proof that such Protected Animal or Bird was hunted or that such nest or egg was taken before the commencement of this Ordinance or out of the Colony or was otherwise lawfully hunted or taken respectively shall be upon such person.

Burden of proof.

Licences and
fees, &c.

7. (1) A licence to hunt animals and birds shall be in the prescribed form and shall expire on the 31st December following the date of issue and shall not be transferable.

(2) Except as hereinafter provided there shall be payable in respect of licences issued such amounts as the Governor in Executive Council may prescribe. In prescribing the amount payable in respect of any licence the Governor in Executive Council may differentiate between animals and birds. Provided that the Governor may authorise the issue of a licence to any person without payment of the amount so prescribed.

(3) Every licence holder shall produce his licence for inspection on demand made by a Game Warden or Constable.

(4) Any licence may be revoked on conviction for any breach of the provisions of this Ordinance or any regulations made thereunder.

Powers of
search.

8. It shall be lawful for any Game Warden or Constable in any highway, street or public place or on any Crown Lands or in any Game Reserve or Forest Reserve to search any person whom he may have good cause to suspect of having contravened the provisions of this Ordinance and also to stop and search any cart or other conveyance in or upon which such Game Warden or Constable shall have good reason to suspect that there is any animal or bird or the nest or egg of any Protected Bird which has, respectively, been hunted or taken in contravention of the provisions of this Ordinance; and should there be found any such animal or bird or any such nest or egg as aforesaid upon such person, cart or other conveyance, to seize and detain such animal, bird, nest or egg, and such Game Warden or Constable shall in such case apply to some Justice for a summons citing such person to appear before a Magistrate to be dealt with according to law.

Persons found
offending.

9. Where any person is found offending against this Ordinance, it shall be lawful for any other person to require the offender to give his name, description, and place of abode, and in case the offender does not truly give his name description, and place of abode, such offender shall be

guilty of an offence and, in addition to any other penalty to which he may be liable under this Ordinance, shall be liable to a penalty not exceeding five pounds.

10. Any Constable or Game Warden may arrest without warrant any person found offending against this Ordinance whose name or place of abode is unknown to him, and may detain such person at a Constabulary Station until the name and place of abode of such person can be ascertained, or may forthwith convey such person before a Magistrate to be dealt with according to law. Arrest without warrant.

11. The Governor, by writing under his hand, may, notwithstanding anything to the contrary contained in this Ordinance, for such time and subject to such conditions as he thinks fit, authorize any person, for scientific purposes, to hunt any protected Animal or Bird or to take the nest or eggs of any Protected Bird. Scientific purposes.

12. (1) It shall be lawful for the Governor, by proclamation, to prohibit to be exported or carried coastwise :— Power to prohibit the export of birds, &c.

- (a) any bird or any part thereof; or
- (b) any animal or any part thereof; or
- (c) the nests or eggs of any bird,

to be specified in such proclamation.

(2) If anything mentioned in any proclamation issued under this section is exported or brought to any quay or other place to be shipped for exportation or to be carried coastwise or is water-borne to be so exported or carried, such thing shall be forfeited and the exporter or his agent or the shipper of any such thing shall be liable to a penalty of one hundred pounds in addition to any other penalty to which he may be liable under this Ordinance.

13. It shall be lawful for the Governor, by proclamation, to declare dead birds and any part of a dead bird and the nests and eggs of any birds and dead animals and any part of a dead animal to be goods prohibited to be imported, and thereupon the like penalties shall follow and the like consequences shall ensue in all respects as if any such thing as above specified had been enumerated or described among goods so prohibited to be imported in the table of Prohibitions and Restrictions contained in section 29 of the Customs Ordinance. Power to prohibit the import of dead birds, &c.

Cap. 194 to
apply to
animals and
birds.

14. All the provisions of the Customs Ordinance relating to uncustomed and prohibited goods, and proceedings for breaches of the law relating thereto, shall apply as fully and effectually to birds or parts of birds or the nests and eggs of any bird, or animals or any parts thereof, prohibited to be exported, carried coastwise, or imported under this Ordinance as aforesaid, as if such things as above specified had been prohibited to be exported, carried coastwise, or imported under and by virtue of the said Customs Ordinance.

Export for
scientific
purposes.

15. It shall be lawful for the Governor, if he shall so think fit, by writing under his hand, to exempt from the operation of any proclamation made by him in pursuance of section 12 of this Ordinance any birds or animals killed, wounded, or taken, and any nests or eggs taken for scientific purposes by any person duly authorised in pursuance of the provisions of section 11 of this Ordinance.

General
penalty.

16. Any person guilty of an offence against this Ordinance or any regulations made thereunder for which no penalty is expressly provided shall on conviction be liable to a penalty not exceeding five pounds, or in the case of a second or subsequent offence, to a penalty not exceeding ten pounds.

Offences
punishable
summarily.
Payments to
informers.

17. All offences against this Ordinance shall be punishable on summary conviction before a Magistrate who may direct that any portion not exceeding one half of the penalty imposed and recovered shall be paid and awarded to any person other than a Game Warden or Constable who may have given information which shall have led to the conviction of the offender, provided that such person be not an accessory.

Acceptance
by Game
Warden of
compensation
for offence.

18. (1) The Governor may, by writing under his hand, empower a Game Warden —

(a) to accept from any person admitting the commission of an offence, a sum of money not exceeding five pounds by way of compensation for such offence ; and

(b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such Game Warden.

(2) On payment of such sum of money or such value, or both, as the case may be, to such Game Warden, such person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property in respect of such offence.

(3) All moneys received under this section shall be paid into the Treasury.

19. Subject to the provisions of section 17 of this Ordinance, all penalties recovered under this Ordinance and all fees received in respect of licences issued shall be paid to the Treasurer who shall, with such penalties and fees, establish a Fund to be called the Wild Birds Fund and all monies standing to the credit of such Fund shall be applied in such manner as may be prescribed.

Establishment
of Wild Birds
Fund.

20. (1) The Governor in Executive Council may by regulations—

Power to
make
regulations.

- (a) alter and amend the 2nd Schedule by adding thereto or removing therefrom the name of any animal or bird, and may apply any such alteration to the whole Colony or confine it to any district or other area.
- (b) prescribe from time to time conditions as to the numbers or sex of any animals or birds which may be hunted by licence holders, either in Forest Reserves generally or in any particular Forest Reserve.
- (c) prescribe a close season within which it shall not be lawful to hunt any animal or bird specified or mentioned in the 2nd Schedule, and that any such close season shall apply to the whole Colony or to any specified parts thereof.
- (d) prohibit or limit at any time as to the whole of the Colony or any part thereof any method employed for hunting any animal or bird which appears to him to be unduly destructive or improper.
- (e) appoint Game Wardens and prescribe their powers and duties.
- (f) prescribe the form and make provision for the issue of licences.

- (g) suspend the operation of this Ordinance or any part thereof either as to the whole of the Colony or as to certain districts or portions thereof.
- (h) establish or promote the establishment of a Museum or Zoological Garden for the exhibition of the animals and birds of the Colony and provide for the management thereof and the application thereto of the monies standing to the credit of the Wild Birds Fund.
- (i) restrict or impose conditions on the keeping of any animal or bird in captivity.
- (j) provide generally for the better carrying out of the objects of this Ordinance.

Provided that until varied or revoked by any such regulations, the regulations contained in the 3rd Schedule to this Ordinance shall be in force.

Repeat of
Cap. 276.

21. The Wild Birds and Animals (Protection) Ordinance and all Proclamations, Regulations and Orders issued thereunder are hereby repealed.

Passed in Council this eighth day of December, in the year of Our Lord one thousand nine hundred and thirty-three.

J. O'CONNOR,
Clerk of the Council.

1ST SCHEDULE.

(*Vide S. 3.*)

Game Reserves.

1. *Northern Range Game Reserve.*
Portion B. The Boundaries are those of Portion B of the Northern Range Reserve, as proclaimed in *Royal Gazette*, Proclamation No. 8 of 1922, dated February 2nd, 1922.
2. *Valencia Game Reserve.*
Boundaries.
N.—Valencia Road
E.—Orpouche River, exclusive of alienated land to the west thereof.
S.—Quare River, exclusive of alienated land to the north thereof.
W.—Orpouche Vega Road, exclusive of alienated lands to the east thereof.
3. *Central Range Game Reserve.*
Boundaries.
N.—Boundary of Central Range Reserve from Pillar 4A to Cumuto Road.
E.—Cumuto Road and Brasso Tamana Road.
S.—Brasso Tamana Road.
W.—Boundary of Central Range Reserve from Pillar 4A to Brasso Tamana Road.

4. *Trinity Hills Game Reserve.*

Boundaries.

- N.—Northern boundary of the Moruga Reserve eastwards to the private road of the Trinidad Leaseholds Limited.
 E.—Trinidad Leaseholds Limited private road from where it enters Moruga Reserve until it reaches the eastern boundary of the Trinity Hills Reserve, thence the Reserve boundary to the sea.
 S.—The sea.
 W.—The eastern boundary of Cats Hill Reserve, from the northern boundary of the Moruga Reserve, a line joining the South-eastern corner of the Reserve to the north-western of the Trinity Hills Reserve, thence the western boundary of the Trinity Hills Reserve and its prolongation to the sea.

5.—*Southern Watershed Game Reserve.*

Boundaries.

- N.—The northern boundary of the Southern Watershed Reserve.
 E.—The Morne Diablo Road and its continuation to the sea.
 S.—The sea.
 W.—The Quinam Road and its continuation to the sea.

6.—*Little Tobago Game Reserve.*

The whole island.

2ND SCHEDULE.

(*Vide S. 6.*)

Complete list of Animals and Birds that may be hunted, except in the "close season" prescribed by Regulations.

Animals.

Agouti, Armadillo (Tattoo), Deer, Lappe, Manicou, Mongoose, Porcupine, Quenk (Peccary or Wild Hog), Rats and Mice, Squirrels, Tiger Cat (Tigre or Ocelot).

Birds :

All birds belonging to the Family *Charadriidae*, or Plovers (including Petit Collier, Gros Collier, Pluviers).

All birds belonging to the Family *Scolopacidae* or Snipes and Sandpipers (Snipes, Curlews, Sandpipers, White-wings, Yellow-legs, Godwits, Sanderlings).

Stilts (*Becasse-la-mort*, *Himantopus*).

Common Town Corbeau (*Coragyps*).

Tyrant Hawk-Eagle or Speckled-leg Eagle (*Spizaetus tyrannus*).

Cocrico (*Ortalis ruficauda*).

Ramier ginga (*Columba speciosa*).

Ramier mangle (*Columba rufina*).

Green woodpecker or Charpentier a tete bleu (*Chloronerpes rubiginosus*).

Blackcrowned Night Heron or Crabier Batali (*Nycticorax nycticorax*).

Yellowcrowned Night Heron or Crabier a Croissant (*Nyctanassa violacea*).

Boatbilled Heron or Crabier Bec Plat (*Cochlearius*).

Scarlet Ibis or Flamant (*Guara rubra*).

Wild ducks of every kind.

Ostinops decumanus (yellow tail)

3RD SCHEDULE.

(Vide S. 20.)

- Short title. 1. These regulations may be cited as the Wild Animals and Birds (Protection) Regulations, 1933.
- Form of licence. 2. Licences under the Wild Animals and Birds (Protection) Ordinance, 1933 (hereinafter referred to as "the Ordinance") shall be in the form in Schedule A to these regulations and shall be issued by Game Wardens authorised by the Governor for the purpose.
- Fees. 3. Subject to the provisions of section 7 (2) of the Ordinance there shall be payable upon the issue of each licence, the sum of one pound.
- Close season. 4. Except as hereinafter contained no animals or birds mentioned or specified in Schedule B to these regulations shall be hunted.

Exceptions :

- (1) The animals mentioned or specified in the 1st Part of Schedule B to these regulations may only be hunted on or between the 1st day of October and the 31st December in any year.
- (2) The birds mentioned or specified in the 2nd Part of Schedule B to these regulations may only be hunted on or between the 1st day of July and the 31st day of December.
- (3) The birds mentioned or specified in the 3rd Part of Schedule B to these regulations may only be hunted on or between the 1st day of September and the 28th day of February in the succeeding year.

SCHEDULE A.

(Vide Reg. 2.)

FORM OF LICENCE.

Colony of Trinidad and Tobago.

The Wild Animals and Birds (Protection) Ordinance, 1933.

Licence is hereby granted to.....of
to hunt animals and birds subject
 to the provisions of the Wild Animals and Birds (Protection) Ordinance,
 1933 and regulations made thereunder.

This Licence is not transferable and expires on the 31st day of December
 following the date of issue.

Dated this.....day of.....193.....

.....
 Game Warden.

Fee payable £1 os. od.

Note :—

- (1) The animals and birds that may be hunted under this licence and the periods during which they may be hunted, are specified on the back of this licence.
- (2) No hunting is allowed in any Game Reserve.

SCHEDULE B.

*(Vide S. 20 (1) (c) of the Ordinance.)***Close Seasons.**

1ST PART.

Animals that may only be hunted on or between the 1st October and the 31st December.

Lappe, Porcupine, Quenk (Peccary or Wild Hog), Armadillo (Tattoo).

2ND PART.

Birds that may only be hunted on or between the 1st July and the 31st December.

Cocrico (*Oryzopsis hypoleucos*).

Ramier ginga (*Columba speciosa*).

Ramier mangle (*Columba rufina*).

Green Woodpecker or Charpentier a Tete Bleu (*Chloronotus rubiginosus*).

3RD PART.

Birds that may only be hunted on or between the 1st September and 28th February.

Blackcrowned Night Heron or Crabier Batali (*Nycticorax nycticorax*).

Yellow crowned Night Heron or Crabier a Croissant (*Nyctanassa violacea*).

Boatbilled Heron or Crabier Bec Plat (*Cochlearius*).

Scarlet Ibis or Flamant (*Guara rubra*).

Wild ducks of every kind.