

**MARINE AREAS (PRESERVATION AND
ENHANCEMENT) ACT**

CHAPTER 37:02

Act
1 of 1970
Amended by
37/1996

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CHAPTER 37:02

**MARINE AREAS (PRESERVATION AND
ENHANCEMENT) ACT**

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CHAPTER 37:02

**MARINE AREAS (PRESERVATION AND
ENHANCEMENT) ACT**

1 of 1970. **An Act respecting the marine areas of Trinidad and Tobago.**

Commencement. [11TH FEBRUARY 1970]

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

Interpretation. **2.** In this Act—
“flora and fauna” includes any part of a coral reef or other deposit existing in its natural conditions;
“marine areas” means the submarine areas within the territorial sea and includes any adjoining land or swamp areas which form within certain submarine areas a single ecological entity;
“Regulations” means Regulations made under this Act;
“restricted area” means any area so designated by the Minister under section 3.

Restricted areas. **3.** (1) The Minister may by Order designate any portion of the marine areas of Trinidad and Tobago as a restricted area where he considers that special steps are necessary for—
(a) preserving and enhancing the natural beauty of such areas;
(b) the protection of the flora and fauna of such areas;
(c) the promotion of the enjoyment by the public of such areas;
(d) the promotion of scientific study and research in respect of such areas.

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

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

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

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

- (a) that the owner or other persons with power to grant the right are numerous or have conflicting interests;
- (b) that the owner or other persons with power to grant the right, or any of them cannot be ascertained or cannot be found;
- (c) that the owner or other persons from whom the right must be obtained, or any of them, have not the necessary powers of disposition whether by reason of defect in title, legal disability or otherwise;
- (d) that the owner or other persons with power to grant the right unreasonably refuses to grant it or demands terms which, having regard to the circumstances, are unreasonable,

the Minister may by means of a compulsory purchase Order, acquire such land and upon such an Order being made, the lands specified in the Order shall, subject to the provisions below, vest in the State.

(3) The provisions of the Second Schedule to the Water and Sewerage Act with such modifications and adaptations as are necessary or expedient shall have effect with respect to compulsory purchase Orders made under this section. Ch. 54:40. Second Schedule.

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

(5) In this section “land” includes any interest in land.

Management of
restricted areas.

5. The Minister may assign to any board, committee or similar body which he considers competent for the purpose, responsibility for the control and management of any restricted area in accordance with the provisions of this Act, any Regulations made thereunder and any general or special directions that he may give.

Regulations.

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

- (a) the protection of the flora and fauna in restricted areas and the establishment of offences in connection therewith;
- (b) the care, control and management of the restricted area;
- (c) the regulation of the use and enjoyment of such areas;
- (d) the regulating of the use of parking and refreshment facilities;
- (e) the licensing of boats and crafts employed in the transportation of visitors to restricted areas, and the licensing of any guides required by visitors;
- (f) the ensuring of public rights of way over private property to allow access to restricted areas;
- (g) permitting entry to restricted areas upon such terms and conditions as may be imposed by the Minister.

(2) Any person who contravenes any such Regulations is liable on summary conviction to a fine of one thousand dollars and in the case of a continuing offence to a further fine of fifty dollars for each day on which the offence continues.

(3) Regulations made by the Minister shall be subject to negative resolution of Parliament.

Report of
Minister.

7. The Minister shall, as soon as possible after the end of each year, make a report to Parliament on the discharge by him of his functions under this Act.

SUBSIDIARY LEGISLATION

MARINE AREAS (RESTRICTED AREA) ORDER

140/1973.
[37/1996].

made under section 3

1. This Order may be cited as the Marine Areas (Restricted Area) Order. Citation.

2. The marine area described in the Schedule hereto is hereby designated as a restricted area. Marine area.
Schedule.

SCHEDULE

The area known as the Buccoo Reef delineated on the map annexed to Government Notice No. 140/1973 published in the *Trinidad and Tobago Gazette* Vol. 12 No. 263 on 13th September 1973, the limits of which are more precisely described as follows:

Commencing at a point with co-ordinates 88875 N, 78125 E; thence proceeding in a generally northerly direction to a point with co-ordinates 95740 N, 75920 E; thence in a westerly direction to a point with co-ordinates 95900 N, 65575 E; thence in a southerly direction to a point with co-ordinates 88570 N, 65575 E; thence in an easterly direction to a point with co-ordinates 88570 N, 68430 E; thence along the highwater mark and including the mangrove forest bordering the Bon Accord Lagoon and its environment.

[Subsidiary]

63/1974. **MARINE AREAS (PRESERVATION AND ENHANCEMENT) REGULATIONS**

made under section 6

Citation. **1.** These Regulations may be cited as the Marine Areas (Preservation and Enhancement) Regulations.

Interpretation. **2.** In these Regulations “fish” includes corals, crabs, lobsters, shrimps, turtles, turtle eggs and any species of marine fauna.

Entry into restricted area prohibited except with written permission. **3.** (1) Except with the written permission of the Minister, or a person duly authorised by him in writing to grant such permission, no person shall—

- (a) go in or alight upon a restricted area;
- (b) operate a boat or other vessel within a restricted area or cause or allow a boat or other vessel to enter such an area;
- (c) take or remove any fish or bird from a restricted area;
- (d) take or remove any mangrove from a restricted area; or
- (e) dig, dredge, or otherwise interfere with the seabed of a restricted area.

Exemptions. (2) The provisions of subregulation (1) do not apply to a public officer acting in the execution of his duties.

Permission may be subject to conditions. **4.** Where permission is granted under these Regulations it shall be subject to any conditions that may be attached to the grant of the permission.

Anchoring area may be designated. **5.** The Minister may, by Notification, designate any part of a restricted area an anchoring area or a walkway.