

ANTIGUA AND BARBUDA



**THE BARBUDA (COASTAL ZONING AND MANAGEMENT) REGULATIONS, 2014
STATUTORY INSTRUMENT**

2014, No. 34

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ANTIGUA AND BARBUDA

THE BARBUDA (COASTAL ZONING AND MANAGEMENT) REGULATIONS, 2014

2014, No. 34

THE BARBUDA (COASTAL ZONING AND MANAGEMENT) REGULATIONS, made by the Barbuda Council in exercise of the powers contained in section 19 of the Barbuda Local Government Act of 1976, CAP. 44, as amended.

1. Short title

These Regulations may be cited as the Barbuda (Coastal Zoning and Management) Regulations, 2014.

2. Interpretation

In these Regulations—

“Barbuda” includes all waters and submarine areas under the jurisdiction of the Barbuda Council, including internal waters and coastal waters;

“Catch-and-release” fishing means fishing—

- (a) for recreational use;
- (b) with a handheld hook and line;
- (c) in which all fish are handled and released in such a way as to maximize survival and minimize harm to the fish;
- (d) in which all fish caught are immediately released in the same location where they are caught, and are not retained for any personal or commercial use; and
- (e) conducted with all valid permits and in accordance with all laws and regulations governing fishing in Antigua and Barbuda;

“Coastal waters” means waters and submerged lands within 1 league seaward of the (a) low-water line or (b) closing lines of Barbuda as prescribed by the Maritime Areas (Closing Lines-Internal Waters) Order 1986 Made Under Section 3(2) of the Maritime Areas Act;

“Codrington Lagoon” means all areas specified in Part I of Schedule E and delineated on the maps set out in Part II thereof, including the eastern and western flashes, as specified and delineated therein;

“Committee” means the Barbuda Coastal Management Committee established under the Barbuda (Fisheries) Regulations, 2014;

“Council” means the Barbuda Council;

“Dive” and “diving” mean SCUBA diving, snorkeling, or other diving activities;

“Enforcement officer” means an authorised officer as defined in the Fisheries Act, 2006 or any person designated as a Barbuda fisheries ranger by the Council under these regulations;

“Internal waters” means any waters landward of the low-water line or closing line of Barbuda as prescribed by the Maritime Areas (Closing Lines-Internal Waters) Order 1986 Made Under Section 3(2) of the Maritime Areas Act, including Goat Island Flush and Codrington Lagoon;

“Invasive Alien Species” means plants, animals, pathogens and other organisms that are non-native to an ecosystem, and which may cause economic or environmental harm or adversely affect human health;

“Marine resource” means any living or non-living resource in Barbuda’s coastal environment that contributes to the conservation, recreational, ecological, historical, research, educational, or aesthetic value of Barbuda, including, but not limited to, the seabed; submerged features, including corals and other bottom formations; marine plants, algae, invertebrates, and animals and their habitat; and archaeological sites, historic structures, shipwrecks, and artifacts;

“Officer” means Barbuda Senior Fisheries Officer, unless otherwise specified.

The terms and phrases defined in the Maritime Areas Act, CAP. 260; Fisheries Act, 2006; Fisheries Regulations, 2013; or Barbuda (Fisheries) Regulations, 2014, shall be given the same meaning in these regulations otherwise specifically defined.

3. Marine sanctuaries

The areas of Barbuda specified in Part I of Schedule A and delineated on the maps set out in Part II thereof, are hereby declared to be marine sanctuaries.

4. No-net zones

The areas of Barbuda specified in Part I of Schedule B and delineated on the maps set out in Part II thereof are hereby declared to be no-net zones.

5. Anchoring and mooring zones

The areas of Barbuda specified in Part I of Schedule C and delineated on the maps set out in Part II thereof are hereby declared to be anchoring and mooring zones.

6. Shipping areas

The areas of Barbuda specified in Part I of Schedule D and delineated on the maps set out in Part II thereof are hereby declared to be shipping areas.

7. Additional types of zones

The Council may by notice in the *Gazette* amend the zones created in these Regulations or create additional types of zones and restrictions on activities in those zones to manage and accommodate other uses of Barbuda coastal waters. Such restrictions shall be fully enforceable pursuant to these Regulations.

8. Management fees

(1) A person shall pay the specified management fee before engaging in any activity listed in Schedule I, unless the Council specifies other payment requirements pursuant to subsection (4).

(2) A person shall pay any applicable management fee to the Officer or to such other employees of the Council as the Council may designate, and the Officer or designated employee shall issue a receipt indicating the—

- (a) payment of the fee;
- (b) dates for which the fee has been paid;
- (c) identity of the person who paid the fee; and
- (d) such other information as the Council may determine.

(3) A person engaging in activity for which payment of a management fee is required shall display the receipt for said payment upon request by an enforcement officer.

(4) The Council may amend Schedule I by notice in the *Gazette*. Such amendments may include—

- (a) the activities for which payment of a management fee is required;
- (b) the amounts of required management fees;
- (c) the timing for payment of management fees; or
- (d) such other amendments as the Council deems necessary for the long-term stewardship of Barbuda's marine environment.

9. Research in Barbuda waters

(1) The Council may grant permission for a vessel or person to undertake research in Barbuda waters, provided that the vessel or person has submitted to the Council—

- (a) a research plan; and
- (b) evidence that the Minister with responsibility for fisheries has approved any fisheries research after consultation with the Chief Fisheries Officer pursuant to section 54 of the Fisheries Act, 2006.

(2) The Council may attach such conditions as it considers fit to a permission granted under subsection (1) and may exempt the person or vessel from obtaining a Barbuda Special Area Permit if required to conduct the research.

(3) A permission or exemption granted under this section shall be in writing, shall be kept on

board any vessel engaging in research in Barbuda coastal waters, and shall be presented to an enforcement officer upon request.

10. Prohibitions

(1) A person shall not fish or attempt to fish in a marine sanctuary, except—

- (a) when conducting scientific research with the express permission of the Council; or
- (b) when participating in a Council-sanctioned event intended to control invasive alien species.

(2) A person shall not fish with a net or otherwise use a net in a no-net zone.

(3) A person shall not anchor or moor any vessel in any Barbuda waters other than in an anchoring and mooring zone except—

- (a) when fishing with a valid Barbuda Special Area Permit;
- (b) when diving; or
- (c) as necessary for safeguarding life and property at sea.

(4) A person shall not anchor or moor a vessel, fish, dive or swim in a shipping area except—

- (a) anchoring or mooring when actively loading or unloading cargo or stores or embarking or debarking passengers;
- (b) mooring when using a dock in the area; or
- (c) with the prior written permission of the Council.

(5) A person shall not drag any dinghy, inflatable raft, or any other type of vessel across any sand bar, reef, seagrass bed, or other substrate on Barbuda, including across the sand that separates Low Bay from Codrington Lagoon, except when required for safeguarding of life or property at sea.

(6) A person shall not operate a vessel in a manner that results in direct or indirect harm to seagrass, except to the minimum extent necessary when—

- (a) fishing under and in compliance with a Barbuda Special Area Permit;
- (b) anchoring a vessel in an anchoring and mooring zone;
- (c) navigating a vessel through a channel; or
- (d) as necessary for safeguarding life or property at sea.

(7) A person shall not engage in any activity for which payment of a management fee is re-

quired without first paying such fee and obtaining a receipt confirming payment.

(8) A person shall not undertake research in Barbuda coastal waters—

- (a) without permission from the Council granted pursuant to section 9 of these regulations; or
- (b) in contravention of any conditions attached to such permission.

(9) A person contravening any of these prohibitions commits an offence under these Regulations.

11. Codrington Lagoon

(1) For the purposes of these regulations, Codrington Lagoon is considered to be the area of Barbuda specified in Part I of Schedule E and delineated on the maps set out in Part II thereof.

(2) A person shall not fish or attempt to fish in any part of Codrington Lagoon, except—

- (a) in the eastern and western flashes of Codrington Lagoon, as defined in Schedule E;
- (b) when engaging in catch-and-release fishing; or
- (c) when hook and line fishing from shore.

(3) A person engaging in catch-and-release fishing in the Codrington Lagoon shall not have or possess any fish on board. Any fish found on board a vessel engaging in catch-and-release fishing in Codrington Lagoon shall be presumed to have been caught in the Codrington Lagoon in violation of these Regulations.

(4) A person shall not enter or transit any part of Codrington Lagoon other than the eastern and western flashes unless all fishing gear is stowed to the extent possible, except that fishing gear used for catch-and-release may be accessible when engaging in catch-and-release fishing in the Codrington Lagoon. Any vessel in Codrington Lagoon with gear that is not stowed to the extent possible shall be presumed to be fishing in the Lagoon.

(5) This section shall apply for 2 years after the effective date of these regulations, after which the Council may amend these requirements, including removing requirements, by notice published in the *Gazette* and posted at fishery complexes if the following conditions are met—

- (a) an assessment of the status of the ecosystem and species is complete; and
- (b) the Council determines based on the assessment that the ecological, social and economic conditions warrant a change in the status of the restrictions.