

ANTIGUA AND BARBUDA



THE BARBUDA (NATIONAL PARKS AUTHORITY) (ESTABLISHMENT) REGULATIONS 2014

STATUTORY INSTRUMENT

2014, No. 35

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THE BARBUDA (NATIONAL PARKS AUTHORITY) (ESTABLISHMENT) REGULATIONS, made by the Barbuda Council with the consent of the Government in exercise of the powers contained in section 3(3) of the National Parks Act, CAP. 290, as amended by section 27 of the Barbuda Land Act, 2007.

1. Short title

These Regulations may be cited as the Barbuda (National Parks Authority) (Establishment) Regulations, 2014.

2. Interpretation

In these Regulations—

“Act” means National Parks Act, CAP. 290.

“Authority” means the Barbuda National Parks Authority established under section 3 of the National Parks Act, as amended by Act No. 23 of 2007.

“Commissioner” means the person appointed to be Barbuda Parks Commissioner under these regulations unless otherwise specified.

“Council” means the Barbuda Council established under section 3 of the Barbuda Local Government Act, Cap. 44.

“Minister” means the Minister to whom the responsibility for National Parks has been assigned.

Unless otherwise defined here, the terms and phrases defined in the National Parks Act, CAP. 290, or the National Parks Regulations, 2013, shall be given the same meaning in these regulations, unless the context requires otherwise.

3. Constitution of the Authority

(1) The Authority consists of—

- (a) the following members appointed by the Council, each of whom, by reason of his or her occupational or other experience, scientific expertise, or training, shall be knowledgeable regarding the conservation and management of natural resources—

- (i) a designee appointed by the Council;
 - (ii) the Chairperson of the Barbuda Planning Commission, or, if that position is not filled, another person who meets the qualifications for that position as set forth in the Barbuda Land Act; and
 - (iii) a person representing a non-governmental entity with an interest in the conservation and management of the National Parks of Barbuda.
- (b) the following members appointed by the Government, each of whom, by reason of his or her occupational or other experience, scientific expertise, or training, shall be knowledgeable regarding the conservation and management of natural resources—
- (i) the Parks Commissioner established under section 7 of the Act, or his or her a designee;
 - (ii) the Chief Environment Officer, or his or her designee; and
 - (iii) a person representing a non-governmental entity with an interest in the conservation and management of the National Parks of Barbuda, who shall be appointed by the Minister on behalf of the Government.
- (c) a Chairperson jointly appointed by the Council and the Minister, who, by reason of his or her occupational or other experience, scientific expertise, or training, shall be knowledgeable regarding the conservation natural resources and management of national parks.

(2) Every member of the Authority, whether appointed by the Council or the Government, shall, subject to the provisions of these regulations, hold office for such period not exceeding two years as the Council may direct and is eligible for re-appointment.

(3) Every member of the Authority, whether appointed by the Council or the Government, shall receive notice of appointment by instrument in writing, copies of which shall be sent to the Authority and maintained and made available to the public upon request at its office.

(4) When the Authority first meets, and in January of every year, before it proceeds to the dispatch of any other business, the members of the Authority shall select, by consensus, one of their number to be Deputy Chairperson of the Authority. The Deputy Chairperson shall serve until the following January, unless he or she takes a leave of absence, resigns, dies, or is disqualified from being a member of the Authority, in which case the members shall select a new Deputy Chairperson by consensus at the next meeting of the Authority. Any such replacement Deputy Chairperson shall serve in that position only until the first meeting of the following January, when the members of Authority shall select a new Deputy Chairperson as provided in this subsection.

4. Leave of absence

The Council may grant to any member of the Authority a leave of absence for personal and family health reasons, training, education, or other job-related activities of up to three months in respect of his duties as a member of the Authority.

5. Acting members

If any member of the Authority is by reason of illness, leave of absence, or any other cause temporarily unable to perform his functions as a member of the Authority, the Council or Minister who appointed that member may appoint another qualified person to act in his stead during the period of such inability.

6. Resignations

(1) Any member of the Authority, other than the Chairperson, may at any time resign his office by instrument in writing addressed to the Council and to the Minister and transmitted through the Chairperson; and from the date of receipt by the Council of such instrument such member shall cease to be a member of the Authority.

(2) The Chairperson may at any time resign his office by instrument in writing addressed to the Council and to the Minister, and such resignations shall take effect as from the date of the receipt by the Council of such instrument.

7. Revocation of appointments

Notwithstanding section 5, subsection (2)—

- (a) the Council, by majority vote, and the Minister may by joint agreement revoke the appointment of any member of the Authority for cause; and
- (b) the appointment of a member shall be automatically revoked if the member misses three consecutive meetings without the leave of the Chairperson.

8. Gazetting of appointments and termination of appointments.

(1) The names of all members of the Authority as first constituted and the appointment of any person as a member of the Authority shall be published in the *Gazette*.

(2) The termination of office of any member of the Authority whether by death, resignation, revocation, effluxion of time or otherwise, shall be published in the *Gazette*.

9. Custody, affixing and authentication of Seal and signature of documents

(1) The Seal of the Authority shall be kept in the custody of the Chairperson and may be affixed to instruments pursuant to a resolution of the Authority and in the presence of the Chairperson and the Secretary of the Authority.

(2) The Seal of the Authority shall be authenticated by the signature of the Chairperson and the Deputy Chairperson of the Authority.

(3) All documents other than those required by law to be under seal that are made by the Authority, and all decisions of the Authority, may be signified under the hand of the Chairperson, or of any other member of the Authority authorized to act in that behalf, and of the Deputy Chairperson of the Authority.

(4) The Chairperson, Deputy Chairperson, and any member acting in either capacity shall affix the Seal of the Authority, authenticate that seal, and otherwise signify documents made by the Authority without delay.

10. Procedure and meetings

(1) The Authority shall meet at such times as may be necessary or expedient for the transaction of its business, or at least quarterly, and such meetings shall be held at such places and times and on such days as the Authority may determine. The Authority shall allow and enable Members to attend meetings by teleconference or videoconference; however, each Member shall attend at least two regularly scheduled meetings in person during each calendar year.

(2) The Chairperson may at any time call a special meeting of the Authority and shall, within seven days of the receipt of a requisition in writing addressed to him by four or more members of the Authority, summon a special meeting of the Authority to consider the matters contained in such requisition. Members may attend such meetings by teleconference or videoconference.

(3) The expenses of travel to attend the meetings shall be paid by the body who appointed the member, except in the case of the Chairperson, whose expenses under this subsection shall be equally shared by the Council and Government.

(4) The Chairperson, or where the Chairperson is absent, the person elected to preside over the meeting in pursuance of subparagraph (3), and three members of the Authority, including at least one member appointed by the Government and one member appointed by the Council, shall form a quorum. However, if at any time there are fewer than seven members of the Authority due to leave of absence, resignation, or failure to appoint members, the number of members required to form a quorum shall be one more than half of the active members of the Authority.

(5) The Chairperson shall preside at a meeting of the Authority; and in the absence of the Chairperson at a meeting the Deputy Chairperson shall preside. In the case of an absence of both the Chairperson and Deputy Chairperson, the members present and constituting a quorum shall elect a chairperson from among their number to preside at that meeting.

(6) The decisions of the Authority shall be by a majority of votes. In the case of a tie vote, the Chairperson or other person elected to preside over the meeting shall have a casting vote.

(7) The Council shall provide a secretary to take the minutes of each meeting, who shall not receive additional payment for this role, but will complete these tasks as part of his or her regular duties. The presiding officer at each meeting shall ensure that the secretary keeps minutes of the meeting in proper form and shall confirm the minutes as soon as practicable thereafter at a subsequent meeting. Minutes shall identify the members that make up the quorum and all other meeting participants. Certified copies of such minutes when so confirmed shall be forwarded to the Council and to the Minister within 7 days after they are confirmed.

(8) The Authority may co-opt any one or more persons to attend any meeting of the Authority for the purpose of assisting or advising the Authority, but no such co-opted person shall have any right to vote.

(9) Subject to the foregoing provisions of these Regulations, the Authority may regulate its own proceedings.

(10) The validity of the proceedings of the Authority shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

11. Duties of the Authority and Commissioner

(1) The Authority shall have all the functions, duties, powers, and responsibilities as set forth in the Act, including but not limited to appointment of a Commissioner.

(2) The Authority shall with the approval of the Council appoint a Commissioner to manage the affairs and undertakings of the Authority.

(3) The Commissioner shall undertake all duties and responsibilities of that position as set forth in the Act, including such functions and duties as the Council may delegate to him or her pursuant to the Act and these Regulations.

12. Sub-Committees of the Authority

(1) The Authority may appoint a sub-committee of the Authority to examine and report to it on any matter whatsoever arising out of or connected with any of its functions under this Act.

(2) Any such sub-committee shall consist of at least one member of the Authority together with such other persons, whether members of the Authority or not, whose assistance and advice the Authority may desire.

(3) No member of a sub-committee shall receive any remuneration or allowance in relation to their work with the sub-committee, other than reasonable expenses incurred on behalf of the sub-committee that are approved in writing in advance by the Chairperson of the Authority.

(4) The Authority may by resolution reject the report of any such sub-committee or adopt it either wholly or with such modifications as the Authority may think fit.

13. Disclosure of Interest

A member of the Authority who has any direct or indirect financial interest in any decision to be made by the Authority—

- (a) shall disclose the nature of his interest at a meeting of the Authority; and
- (b) shall absent himself from that part of the meeting of the Authority when the decision is discussed and made and shall have no input into the decision.

14. Protection of members

(1) A member of the Authority shall not be personally liable for any act or default of the Authority done or omitted to be done in good faith in the course of the operation of the Authority.

(2) Where any member of the Authority is exempt from liability by reason only of the provisions of this paragraph, the Authority is liable to the extent that it would be if the member was a servant or agent of the Authority.

15. Remuneration of members

A member of the Authority shall not receive any salary, honorarium, or other compensation or allowance in relation to his or her work with the Authority, other than reasonable expenses incurred from on behalf of the Authority that are approved in writing in advance by the Chairperson of the Authority.

16. Office

The Authority shall have its office at the Codrington Lagoon Park Office in Barbuda or at such other place in Barbuda as the members of the Authority may decide.

Made the 12th day of August, 2014.

O. Nibbs,
Chair of the Barbuda Council.