

THE NATURAL RESOURCES CONSERVATION AUTHORITY ACT

REGULATIONS (under section 38)

THE NATURAL RESOURCES (NATIONAL PARKS) REGULATIONS, 1993

(Made by the Minister on the 26th day of February, 1993)

L.N. 9G/93
70H/2003

PRELIMINARY

1. These Regulations may be cited as the Natural Resources (National Parks) Regulations, 1993. Citation.

2. In these Regulations—

Interpretation.

“authorized officer” means any officer employed to the Customs Department, any member or officer of the Jamaica Constabulary Force, any member or officer of the Jamaica Defence Force, any public officer designated a Fishery Inspector under the Fishing Industry Act, a person appointed a forest officer under the Forest Act, any person appointed a park manager or designated a national park ranger;

“national park ranger” means a person so designated pursuant to regulation 30;

“park manager” means a person appointed under regulation 29;

“sell” includes any attempt or offer to sell, barter, cause or permit to be sold or offered for sale, have in possession for sale or send or receive for sale;

“service” includes any accommodation or transportation.

OFFENCES

3.—(1) A person shall not, except with the written permission of a park manager, cause or allow an animal to enter a national park. Animals.

(2) Notwithstanding paragraph (1)—

(a) a person in need of the assistance of a guide dog may bring such dog into a national park if such dog is securely held or fastened to a leash which does not exceed 4 feet in length; or

- (b) a person may ride or lead a horse or donkey in a national park in any area set aside for that purpose by the park manager.

Litter.

4.—(1) A person shall not, in a national park—

- (a) deposit or leave any litter, bottle, broken glass, china, pottery, plastic article, rubbish, refuse or other waste material, except in an area or receptacle provided for that purpose;
- (b) deposit, discharge or leave any noxious, noisome, offensive or polluting substance, matter or thing;
- (c) deposit or leave any offal, dead animal, dung or other filth;
- (d) deposit in any receptacle provided for litter any domestic garbage;
- (e) willfully break any article of glass, china, pottery, plastic or other brittle material;
- (f) deposit, discharge or leave any material, mineral waste or other industrial waste or by-product thereof, oily liquids, acids or other deleterious, toxic or polluting substance.

(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 five thousand dollars or to imprisonment with or without hard labour for a term not exceeding one year or to both such fine and imprisonment.

Pollution of waters.

5.—(1) A person shall not pollute or cause to be polluted any water in a lake, stream, river, well, dam, reservoir or in any container.

(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 with or without hard labour for a term not exceeding two years or to both such fine and imprisonment.

Abandoned property.

6. A person shall not, except with the written permission of a park manager, abandon or leave unattended for more than twenty-four hours, any personal property, in a national park.

Disorderly behaviour.

7.—(1) A person shall not behave in a disorderly, offensive or indecent manner or use any offensive or indecent language or create any disturbance in a national park.

(2) A person shall not obstruct, disturb, interrupt or annoy any other person engaged in the proper use of a national park nor behave in a manner likely to create any disturbance.

(3) A person shall not in a national park throw, roll or discharge any stone, substance or missile to the danger of any person, animal or thing.

(4) A person shall not deface, paint, write, cut names or letters or otherwise make marks or affix bills on trees, rocks, gates, fences, buildings, signs or other property in a national park.

(5) A person shall not, within a national park, play or operate a radio, tape recorder, gramophone or other musical instrument in a manner which disturbs or is likely to disturb other users of the park.

(6) A person who contravenes a provision of this regulation commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding five thousand dollars or to imprisonment with or without hard labour for a term not exceeding one year or to both such fine and imprisonment.

8. A person who—

- (a) refuses, neglects or fails to comply with any direction given to him by an authorized officer;
- (b) refuses or fails to produce any licence or permit that he is required to produce by an authorized officer;
- (c) assaults, resists or obstructs an authorized officer in the execution of his duty;
- (d) uses threatening language or behaves in a threatening manner towards an authorized officer in the execution of his duty;
- (e) refuses to leave a national park when ordered to do so by an authorized officer;
- (f) removes, alters or interferes with any article seized under these Regulations without the authority of an authorized officer; or
- (g) impersonates an authorized officer,

Refusal to
comply with
orders.

commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding five thousand dollars or to imprisonment with or without hard labour for a term not exceeding one year or to both such fine and imprisonment.

Camping.

9.—(1) A park manager may establish designated camping areas in a national park.

(2) A park manager may display signs or notices in any national park prohibiting or restricting the use of any site for camping or prohibiting or restricting the use of a caravan or similar vehicle.

(3) A person using a site for camping, or using a caravan or other vehicle, in any national park who fails to comply with a prohibition or restriction contained in a sign or notice displayed pursuant to paragraph (2) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding five thousand dollars or to imprisonment with or without hard labour for a term not exceeding one year or to both such fine and imprisonment.

Use of
vehicles.

10.—(1) A person shall not take, drive, use or leave a vehicle in a national park in contravention of a prohibition or restriction contained in a sign or notice.

(2) A person shall not, except with the written permission of a park manager, take, drive, or use a vehicle on a road or track on any land that has been closed by a barrier erected by or under the authority of the Authority.

(3) A person shall not, except with the permission of a park manager, take, drive, or use any vehicle in a national park except on a road designated for that purpose.

(4) An authorized person may, for the purpose of regulating the use of any road within a national park or for the purpose of avoiding inconvenience or risk of danger to persons using a national park, give directions to any person driving or in charge of a vehicle prohibiting its being taken or being allowed to remain on any road, or any part of a road in a national park, or requiring its removal from any such road or part thereof.

(5) A person driving, using, or in charge of a vehicle in a national park who contravenes or fails to comply with—

- (a) a prohibition or restriction contained in a sign or notice displayed pursuant to paragraph (1);
- (b) any directions contained in a sign or notice so displayed; or
- (c) any directions given by an authorized person pursuant to paragraph (4),

commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding five thousand dollars or to imprisonment with or without hard labour for a term not exceeding one year or to both such fine and imprisonment.

11.—(1) A person shall not, except with the written permission of the park manager, in a national park—

General provisions as to preservation of national parks.

- (a) erect any building or structure; or
- (b) make or mark out any track or route.

(2) A person who contravenes the provisions of paragraph (1), commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years or to both such fine and imprisonment.

12.—(1) A person shall not, in a national park, light, maintain or use a fire other than a domestic fire in an area designated for that purpose.

Fires.

(2) A person who contravenes the provisions of 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 with or without hard labour for a term not exceeding two years or to both such fine and imprisonment.

13.—(1) A person commits an offence who, except with the written permission of the park manager—

Other offences.

- (a) plants any plant, or sows or scatters the seed of any plant, or introduces any substances that he knows or ought to have known is injurious to plant or animal life, in any national park; or
- (b) occupies or uses any land in a national park for cultivation or any other purpose; or
- (c) wilfully damages or defaces any fence, building or equipment in any national park; or
- (d) takes or destroys or wilfully injures or in any manner disturbs or interferes with any protected animal or the nest or eggs of any protected bird as specified in the Wild Life Protection Act in any national park; or

(e) wilfully cuts or destroys any plant in a national park.

(2) A person shall not—

- (a) when required by notice from the park manager to remove from a national park any animal owned by him or under his control, fail to do so within the period specified in the notice; or
- (b) being the driver of any vehicle that is illegally in a national park or part thereof, fail or refuse to remove it from such national park or part thereof when required to do so by any national park ranger; or
- (c) do or cause to be done any act, matter, or thing for which such written permission is required under these Regulations; or
- (d) unlawfully alter, obliterate, deface, pull up, remove, interfere with, or destroy any boundary marks, stamp, mark, licence, lease, permit or other right or authority issued by the Authority.

(3) A person shall not use, receive, sell, or otherwise dispose of any property knowing it to have been unlawfully removed from any national park.

(4) A person shall not, except with the written permission of the park manager have in his possession in a national park any chainsaw or any trap, net or other like object.

(5) A person who contravenes the provisions of paragraph (1), (2), (3) or (4) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding twenty thousand dollars or to imprisonment with or without hard labour for a term not exceeding one year or to both such fine and imprisonment.

(6) A person convicted of an offence under this regulation shall, in addition to any penalty for which he may be liable for the offence, be liable to pay the cost of repairing or restoring any damage done to a national park, or to any plant growing therein or property of a national park affected by the commission of such an offence.

Commercial
activities.

14.—(1) Any person who is desirous of—

- (a) hiring or selling anything;

- (b) producing anything for hire or sale;
- (c) providing any service for reward;
- (d) carrying on any other commercial activity,

in a national park shall apply to the Authority, in such manner as the Authority may determine, for a commercial licence or a concession permit specified in paragraph (3), as the case may require.

(2) An application for—

- (a) a commercial licence shall be accompanied by an application fee of five hundred dollars; and
- (b) a concession permit shall be accompanied by an application fee of one thousand dollars.

(3) On receipt of an application under paragraph (1) the Authority may grant—

- (a) a commercial licence; or
- (b) a concession permit,

to any person who made an application under paragraph (2) having regard to the following—

- (i) the designated space to be allocated for the activity;
- (ii) the type of commercial activity;
- (iii) the gross annual earnings of the applicant;
- (iv) the size of operation and facilities that are provided by the Authority.

(4) A person shall pay to the Authority on the grant of—

- (a) a commercial licence—
 - (i) an annual licence fee of ten thousand dollars; or
 - (ii) a monthly licence fee of one thousand dollars; or
 - (iii) a weekly licence fee of two hundred and fifty dollars; or

- (b) a concession permit, a permit fee of five thousand dollars.

(5) A person to whom a concession permit is granted shall, in addition to the permit fee payable under paragraph (4) (b), pay an annual franchise fee calculated—

- (a) as a fixed sum based on an estimate of gross earnings; or
(b) as a percentage of the estimated profits to be made by,

the holder of the concession permit.

(6) The percentage of estimated profits referred to in paragraph 5 (b) shall be determined by the Authority on an annual basis.

(7) A concession permit granted under paragraph (3) may be granted for a period not exceeding three years and a commercial licence may be granted for a period of one week, one month or one year as the Authority thinks fit.

(8) A person who contravenes the provisions of paragraph (1) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding forty thousand dollars, and where the offence is a continuing one to a further fine of five hundred dollars per day for each day on which the offence continues after conviction.

(9) The Authority shall not grant permission for the carrying on of commercial activities under this regulation unless in its opinion the activity is likely to benefit persons engaged in the lawful use of the park or the wider public in general.

14A. Where the carrying on of a commercial activity under regulation 14 involves the exclusive use of any part of a National Park, the location fee in respect to that activity, specified in part B of the Schedule, shall be payable by the person carrying on the commercial activity.

15.—(1) A person shall not, except with the written permission of the Authority or except in accordance with the provisions of a licence granted under any other enactment, carry out any operation for the extraction or mining of minerals in a national park.

(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 ten thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years.

16.—(1) The Authority may, on such terms as it thinks fit, grant a permit for—

Research and collection of objects and specimens.

- (a) the carrying out of research; or
- (b) the collection of natural objects or specimens, animal or plant life in a national park for educational, commercial, scientific or environmental purposes.

(2) The Authority shall not grant a permit under paragraph (1) where the carrying out of any research or collection is likely to damage the national park or interfere unduly with the management of the flora or fauna.

(3) An application for a permit under paragraph (1) shall be in the form set out as Form A in Part A of the Schedule and shall be accompanied by a fee of—

Schedule.
Form A.

- (a) one thousand dollars, in the case of an application to conduct research or collect specimens for purposes other than commercial purposes; or
- (b) two thousand dollars in the case of an application to conduct research or collect specimens for purposes that are commercial.

(4) Where the application for a permit under paragraph (1) is approved, the applicant shall pay a fee of—

- (a) three thousand dollars where the permit is for research or collection of specimens for purposes other than commercial; and
- (b) six thousand dollars where the permit is for research or collection of specimens for purposes that are commercial.

(5) An application shall be made in respect of each natural object or species of plants or animals.

(6) The Authority shall grant a permit to carry out research in the form set out as Form B in Part A of the Schedule.

Form B.

Form C.

(7) The Authority shall grant a separate permit in the form set out as Form C in Part A of the Schedule for each natural object and each species of plant or animal.

(8) Where the Authority refuses to grant a permit under paragraph (1), it shall, in writing, inform the applicant of the reasons for the refusal and the right of appeal under section 35 of the Act.

(9) A person who carries out any form of research or collects any object, specimen, animal or plant life in a national park without a permit issued under this regulation commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years or to both such fine and imprisonment.

Parking, etc. of
vehicles and
mooring of vessels.

17.—(1) A person shall not, in a national park—

- (a) park a vehicle or moor a vessel in any place other than in a parking lot, mooring area or a place designated for such purpose by the Authority;
- (b) park a vehicle or moor a vessel in such manner as to obstruct or to be a danger to persons in the national park;
- (c) abandoned a vehicle or vessel or leave it in such a position, condition or circumstances that it appears to be abandoned.

(2) A vehicle or vessel shall be deemed to have been abandoned if it is left unattended for a period of forty-eight hours or more.

(3) A person who contravenes paragraph (1) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding two thousand dollars or to imprisonment with or without hard labour for a term not exceeding one year or to both such fine and imprisonment.

Exemptions.

18.—(1) In granting a permit under these Regulations with respect to the carrying on of an activity, the park manager may exempt the person to whom the permit was granted from such of the provisions of these Regulations as are necessary to enable such person to carry on the activity.

(2) An exemption under this regulation may be in general terms or may be limited to the activities, area and period specified in the permit.

19.—(1) A person shall not fish in a national park without the written permission of the park manager; and such permission may contain any term or condition as is necessary for the management of the fishing resources of the park. Fishing.

(2) The Authority may declare in writing that an area of water in a national park is an area where, at any time or for a period specified by the Authority in such declaration, fishing is prohibited.

(3) The Authority may declare in writing that an area of water in a national park is an area in which fishing is allowed subject to conditions relating to—

- (a) the kind of fish which may be caught or, as the case may be, the kind of fish in respect of which fishing is prohibited;
- (b) the number of fish that may be caught by a person in a day;
- (c) the type of fishing equipment that may be used; or
- (d) the devices which may be used for fishing.

(4) A person shall not fish in an area of water in a period during which fishing is prohibited under paragraph (2).

(5) A person shall not, in a national park, use any poisonous substance, electrical charges or any other similar device for the catching or killing of fish.

(6) A person who contravenes paragraph (1), (4) or (5) commits an offence and is liable to a fine not exceeding ten thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years or to both such fine and imprisonment.

(7) A person who contravenes any term or condition imposed by the Authority under paragraph (1), (2) or (3) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

20.—(1) A person shall not wilfully mark, deface or injure in any way, or remove or interfere in any way with any mooring, buoy, national park sign, notice or placard, whether temporary or permanent, or with any monument, stake, post or other boundary marker in any national park. Markers.

(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 five thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years or to both such fine and imprisonment.

Signs.

21.—(1) A person shall not, except with the written permission of the Authority, erect, exhibit, display or cause to be erected, exhibited or displayed in a national park any notice, sign, slogan or other device containing any advertising or other kind of message.

(2) A person shall not, except with the written permission of the Authority, remove, damage, obscure or otherwise interfere with a notice, sign, slogan or other device, erected by the Authority in a national park.

(3) The park manager may authorize the erecting, placing or displaying of signs in a national park for the purpose of—

- (a) regulating, prohibiting or restricting the stopping or parking of vehicles, or defining the manner in which vehicles may be parked;
- (b) designating a part of a national park as an area within which the parking of vehicles is permitted or the mooring of vessels;
- (c) designating a part of a national park as an area within which camping is permitted;
- (d) conveying information or warning to persons using such national park.

(4) A sign erected for the purpose of designating a part of a national park as an area within which the parking of vehicles is permitted shall, in addition to the words designating that part, bear the words "PARKING AREA".

(5) A sign erected for the purpose of designating a part of a national park as an area within which camping is permitted shall, in addition to the words designating that part, bear the words "CAMPING AREA".

(6) A sign, or other device erected, placed or displayed in a national park indicating that it has been approved by the Authority shall, unless the contrary is established, be taken to have been erected, placed or displayed, as the case may be, by the Authority.

(7) A person who contravenes paragraph (1) or (2) commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding five thousand dollars or to imprisonment with or without hard labour for a term not exceeding one year or to both such fine and imprisonment.

(8) Any person who wilfully defaces, destroys, damages, obliterates, pulls up, removes, obscures or otherwise interferes with any sign erected, placed or displayed pursuant to paragraph (3) commits an offence.

22. Where a person is convicted of an offence of removing any property from, or causing any damage to, a national park or any plant or animal therein, the Court before which he is convicted may, in addition to any penalty for which he may be liable under these Regulations, order him to pay to the Crown the full market value or the cost of rehabilitation (whichever is the greater) as assessed by the Court, of the property removed or of the damage done to the national park or any plant or animal therein.

Court may
order payment.

23. If, in the vicinity of a national park, any person is found in possession of any plant, stone, mineral, nest, animal, artifact, or relic, or any part thereof which belongs in that national park and upon being required by a national park ranger that person fails or refuses to give a satisfactory account of the manner in which he came into possession of such plant, stone, mineral, nest, animal, artifact or relic or part thereof, it shall be presumed that he has removed it from such national park.

Presumptions
re offences.

24. A person who commits an offence against these Regulations for which no penalty is provided is liable on summary conviction before a Resident Magistrate—

Penalty for
offences.

- (a) where the offence is committed by an individual, to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand dollars and where the offence is a continuing one to a further fine not exceeding five hundred dollars per day for each day on which the offence continues after conviction;
- (b) where the offence is committed by a body corporate, to a fine

not exceeding twenty thousand dollars and where the offence is a continuing one to a further fine not exceeding five hundred dollars per day for each day on which the offence continues after conviction.

ENFORCEMENT

Seizure and
forfeiture.

25.—(1) If any authorized officer has reasonable cause to suspect that any vehicle, vessel, article or thing is being used or has been used in the commission of an offence against these Regulations, he may seize and detain such vehicle, vessel, article or thing and may—

- (a) without a warrant, search such vehicle, vessel, article or thing; and
- (b) if such search reveals evidence that the vehicle, vessel, article or thing is being used or has been used for the commission of any offence, seize and detain such vehicle, vessel, article or thing.

(2) Where any vehicle, vessel, article or thing is seized pursuant to paragraph (1) and—

- (a) any person is convicted of an offence against these Regulations; and
- (b) the Court is satisfied that—
 - (i) the person owns the vehicle, vessel, article or thing used in the commission of the offence; or
 - (ii) the owner thereof permitted it to be so used; or
 - (iii) the circumstances are otherwise such that it is just so to do,

the Court shall, upon the application of the Authority, order the forfeiture of the vehicle, vessel, article or thing.

(3) On the application of the Authority before a Resident Magistrate's Court having jurisdiction in the area where a vehicle, vessel, article or thing is seized pursuant to paragraph (1), the Court may, notwithstanding that the conditions mentioned in paragraph (2) have not been satisfied, order the forfeiture of the said vehicle, vessel, article or thing if the Court is satisfied that—

- (a) the vehicle, vessel, article or thing has been abandoned; or
- (b) the circumstances in which it was seized give reasonable cause to suspect that it was being used or has been used in the commission of an offence against these Regulations; or

(c) it is otherwise just to do so.

(4) Where the Authority proposes to apply for forfeiture of a vehicle, vessel, article or other thing under paragraph (3), it shall, subject to paragraph (5), give to any person who, to its knowledge, was at the time of the seizure the owner thereof, notice of the seizure and of the intention, after the expiration of thirty days from the date of the notice, to apply for forfeiture thereof and of the grounds therefor.

(5) Notice shall not be required under paragraph (4) if the seizure was made in the presence of the owner or any of the owners of the vehicle, vessel, article or thing seized or any servant or agent of the owner.

(6) Without prejudice to any other form of service, notice under paragraph (4) may be published in a daily newspaper circulating in the Island.

(7) Any person having a claim to any vehicle, vessel, article or thing seized under this regulation may appear before the Court at the hearing of the application and show cause why an order for forfeiture should not be made.

(8) Where, at the hearing of an application pursuant to paragraph (3), no person appears before the Court to show cause why an order for forfeiture should not be made, the Court shall presume that the vehicle, vessel, article or thing has been abandoned.

(9) If, upon the application of any person prejudiced by an order made by the Court under paragraph (2) or (3), the Court is satisfied that it is just to revoke such order, the Court may revoke such order upon such terms and conditions as it deems appropriate, and without prejudice to the generality of the foregoing, shall require such person, to pay in respect of storage, maintenance, administrative expenses, security and insurance of the vehicle, vessel, article or thing such charges as may be charged by the person in whose custody the vehicle, article or thing is and is approved by the Court, not exceeding one and one-half times the value thereof as determined by the Court.

(10) An application to the Court under paragraph (9) for the revocation of an order, shall be made within thirty days of the date of the order or within such greater time as the Court may allow, not exceeding six months from the date of the order.

Arrest without
warrant.

26.—(1) An authorized officer may, without warrant, arrest any person where the authorized officer reasonably believes that—

- (a) the person has committed an offence against these Regulations; and
- (b) proceedings against the person by summons would not be effective.

(2) Where an authorized officer arrests a person under paragraph (1), he shall produce his identity card for inspection by that person unless it is not reasonably practicable to do so.

(3) Where a person is arrested under paragraph (1), an authorized officer shall immediately bring the person, or cause him to be brought, to the nearest police station.

(4) Nothing in this section shall prevent the arrest of a person in accordance with any other law.

ZONES

Zones.

27.—(1) The Authority may, as it thinks fit, zone areas of a national park and may—

- (a) assign a name or other designation for each zone;
- (b) make provisions with respect to the purposes for which each zone may be used; and
- (c) attach terms and conditions with regard to the use of each zone.

(2) A person who uses a zone for a purpose other than one for which provision is made or contravenes any term or condition with regard to the use thereof commits an offence.

MANAGEMENT PLANS

Preparation
of manage-
ment plans.

28.—(1) As soon as is reasonably practicable after a national park has been declared, the Authority shall prepare or cause to be prepared, a plan of management in respect of such national park.

(2) A plan of management prepared pursuant to paragraph (1) may include provisions in relation to any area that is proposed to be added to such national park so, however, that such provisions shall not have effect until such area is added to the national park.

ADMINISTRATION

29.—(1) Subject to paragraph (2), the Authority may appoint a park manager for each national park who shall be responsible for the day to day management of the national park subject to the direction of the Authority.

Appointment
of manager.

(2) The Authority may appoint any other person to assist the park manager in the performance of his functions under these Regulations.

29A. A park manager may designate and open hiking trails for use by the public for recreational purposes and may close such trails in the interest of public safety.

30.—(1) The Authority may from time to time, where it considers it expedient to do so, designate as national park rangers, for the purposes of these Regulations and on such terms and conditions as it thinks fit—

Designation of
national park
ranger.

- (a) a member of staff of the Authority; or
- (b) any other person who by training or experience is qualified to be so designated.

(2) The designation of a person as a national park ranger under this regulation shall be notified in the *Gazette*.

31.—(1) The chairman shall issue to each national park ranger, an identity card signed by the Executive Director and containing a photograph of the national park ranger and his signature.

Identity card.

(2) A person to whom an identity card is issued under paragraph (1), shall return that card to the Executive Director on the termination of his employment as a national park ranger.

32.—(1) The functions of a national park ranger shall be to patrol the area of each national park, to protect the resources of that national park and without prejudice to the generality of the foregoing, to—

Functions of
national park
ranger.

- (a) patrol and monitor the various zones of the national park;
- (b) enforce these Regulations;
- (c) maintain patrol vehicles, marking facilities and trails;
- (d) provide first-aid, emergency or rescue assistance to national park users in the event of accident or injury; and
- (e) assist in the conduct of environmental monitoring programmes.

(2) In the exercise of his functions within the national park, a national park ranger may—

- (a) require any person to refrain from any unlawful act or any act which in his opinion appears likely to result in the damage or destruction of any property, real or personal, which is owned by, in the possession of, or under the management of the national park or any user of the national park;
- (b) require any person whom he finds committing or whom he reasonably suspects of having committed any such act to state his full name and true place of residence or leave the national park immediately;
- (c) require the holder of a permit or licence to produce his permit or licence, as the case may be, for inspection;
- (d) seize any weapon, trap or device of any kind with which an offence appears to have been committed;
- (e) search any person whom he may reasonably have cause to suspect of contravening any provision of these Regulations.

Persons deemed
national park
rangers.

33. For the purposes of these Regulations a member or officer of the Jamaica Constabulary Force, the Jamaica Defence Force and the Island Special Constabulary Force respectively shall be deemed to be a national park ranger.

National Parks
Councils.

34.—(1) The Authority may by notice published in the *Gazette* appoint an Advisory Council (hereinafter referred to as the Council) for national parks.

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

- (a) the Executive Director of the Authority or his nominee;
- (b) the park manager of each national park;
- (c) a representative of the Forestry Division of the Ministry of Agriculture;
- (d) a representative of the Fisheries Division of the Ministry of Agriculture;
- (e) a representative of the Jamaica Conservation Development Trust;
- (f) a representative of the Ministry of Finance and Planning;
- (g) a representative of the Ministry of Production, Mining and Commerce;
- (h) a representative of the National Environment Societies Trust;
- (i) a representative of the Planning Institute of Jamaica;
- (j) a representative of the Jamaica National Heritage Trust;
- (k) a representative of the Town Planning Department; and
- (l) four other persons of whom one shall be qualified in geology.

(3) The members of the Council shall hold office for such period not exceeding two years as the Authority may determine and shall be eligible for reappointment.

(4) The Authority shall appoint one of the members of the Council to be chairman thereof.

(5) The Authority may appoint any person to act in place of the chairman or any other member of the Council in the case of the absence or inability to act of the chairman or other member.

(6) The meetings of the Council shall be held at such time and such places as the chairman may from time to time appoint.

(7) Five members of the Council shall form a quorum at any meeting.

(8) The decisions of the Council shall be by a majority of the members, and in addition to an original vote, the chairman shall have a casting vote in any case in which the voting is equal.

(9) The functions of the Council shall be to make recommendations to the Authority on the preservation of the ecological system of each national park 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 each national park and for the development of such national park on a national basis;
- (b) advise the authority on a management plan for the proper operation and management of each national park and to review that plan annually;
- (c) advise the Authority on management strategies to ensure that such management strategies achieve their desired effect; and
- (d) institute programmes to raise revenue for each national park.

(10) In performing the functions specified in paragraph (9), the Council may—

- (a) advise on educational programmes to ensure community involvement in the preservation of each national park;
- (b) advise the Authority on zoning and the establishment of boundaries in each national park.

35. A certificate by the Executive Director that an area is within a national park shall be *prima facie* evidence of that fact.

Certificate.

36. The Authority shall be entitled to recover any debt due to the Authority as a civil debt in a Resident Magistrate's Court, notwithstanding any limitations as to amount recoverable under the Judicature (Resident Magistrates) Act.

Recovery of civil debts.

PART A
FORM A (Regulation 16 (3))

THE NATURAL RESOURCES CONSERVATION AUTHORITY ACT

THE NATURAL RESOURCES (NATIONAL PARKS) REGULATIONS, 1993

Application for Permit to Carry Out Research or for the Collection of Natural Objects or Specimen Animal or Plant Life in a National Park

A. *General Information*

1. Name of Applicant(s) _____

2. Postal Address of Applicant(s) _____

3. Telephone No(s) _____ Facsimile No(s) _____
E-mail Address _____

B. *General Projects Information*

4. Title of Project _____

5. Agency or Institution on behalf of which the Application is being made, if any: _____

6. Name and Institutional Address of Principal Investigator: _____

7. Qualification of Principal Investigator: _____

8. Names and qualifications of Associates who will work on the project (attach very brief C.Vs): _____

PART A, *contd.*FORM A, *contd.*

9. Why was Jamaica selected as the research site?

C. *Research Project Information*

1. Give short description of the proposed research including its objectives (a copy or separate sheet may be attached if required):

2. State precisely the proposed location of the project and the site(s) at which research will be conducted:

3. State the duration of the project:

4. Expected output at end of the project:

5. What kinds of materials or information are to be collected or produced?

 Specimen or Sample Collection

 Recordings (Audio/Video)

 Photographs

 Written notes

 Computer entries

 Reports

 Articles and Scientific Papers

 Other outputs (specify)

PART A, *contd.*

FORM A, *contd.*

6. Name the slated transitional and final destinations to which all information, results, specimens and materials are to be sent.

- 7(a). Is your project meant to facilitate commercial, industrial or exclusively academic purposes?

- 7(b). *NOTE: Commercial purposes here include but are not limited to:*

- (i) The use of samples or specimens, photographic and audio-visual materials and illustrations, for commercial purposes.
- (ii) Chemical, pharmacological and biotechnological study.
- (iii) The use of materials or specimens for propagation or breeding purposes.

Academic purposes here refer to only taxonomic, conservation, ecological and biogeographical investigations.

8. Proposed linkage(s) with local institution(s), if any. (State whether each institution has been formally approached and indicate very briefly its response).

9. Indicate any training component for local counterparts:

10. Do you intend to conduct research on lands legally owned or occupied by indigenous or local communities? If so, where?

11. Please state briefly how Jamaica will benefit from the research including levels of compensation be they in the short, medium or long term which will accrue to Jamaica (e.g. cash, sharing of future research, production possibilities, royalties, equipment and materials, etc.):

PART A, *contd.*FORM A, *contd.*D. *Collection of Specimens*

Researchers desiring to collect specimens should provide the following information:

1. What are the scientific and common names of the organisms to be collected (if any are endemic to Jamaica or non-classified, i.e. a new species, please state):

2. Indicate the total number of specimens of each species which is required for collection (If animals are to be collected, state sex):

3. Number of specimens to be collected: ☐ alive ☐ dead

- 4a. Frequency of collection:

☒ weekly ☐ monthly ☐ quarterly ☐ semi-annually ☐ annually

- 4b. Please indicate the collection period: ☒ Day ☐ Month ☐ Year

- 5a. Method of collection to be employed:

- 5b. Experience in collection of specimen:

6. Method of storage/transportation of specimen:

7. Purpose for which specimens are to be collected:

PART A, *contd.*

FORM A, *contd.*

8. If specimens are to be exported, indicate the institution at which they are to be deposited:

9. Specimens will be:

- a. Deposited in a national institution: ☐ yes ☐ no

If yes, name and address of institution: _____

- b. Used for laboratory experiments: ☐ yes ☐ no

If yes, name and address of institution: _____

- c. Re-introduced: ☐ yes ☐ no

If yes, name of location: _____

I/We hereby apply for permission to conduct this research and I/We agree to submit to the Natural Resources Conservation Authority (NRCA) two (2) copies of all publications and/or other written reports arising from this research. I/We also understand that depending on the type of research to be conducted in Jamaica a Material Transfer Agreement may need to be negotiated.

Signature of Applicant

Date

Endorsed by

Date

FORM B

(Regulation 16 (6))

THE NATURAL RESOURCES CONSERVATION AUTHORITY ACT

THE NATURAL RESOURCES (NATIONAL PARKS) REGULATIONS, 1993

Permit to Conduct Research

Permit No.: _____

Pursuant to an application under regulation 16 (5) of the Natural Resources (National Parks) Regulations, 1993 the Authority hereby grants a permit to—

Name of Permittee _____

Address of Permittee _____

Type of Research _____ in _____

Name and Location of Research Site _____

_____ Parish _____

For the purpose herein mentioned _____

Objectives _____

Type of specimen _____

Valid from _____ to _____

This Permit is subject to the conditions contained in the Schedule.

Any contravention of any condition(s) may result in suspension or revocation of this Permit.

N.B.: A person who carries out any form of research or collects any objects, specimens of animal or plant life in a National Park without a valid permit commits an offence under Regulation 16 (8) of the National Parks regulations.

SCHEDULE

(Specify conditions)

Dated

SEAL

Authorized Officer

FORM C

(Regulation 16 (7))

THE NATURAL RESOURCES CONSERVATION AUTHORITY ACT

THE NATURAL RESOURCES (NATIONAL PARKS) REGULATIONS, 1993

*Permit to Conduct Collection of Natural Objects and Specimens
of Plants or Animals within the National Park*

Permit No.: _____

Pursuant to an application under regulation 16 (5) of the Natural Resources (National Parks) Regulations, 1993 the Authority hereby grants a permit to—

Name of Permittee _____

Address of Permittee _____

To carry out research in _____

Location of Research Site _____ Parish _____

For the purpose herein mentioned _____

To collect _____ specimens

Type of specimens/objectives _____

Valid from _____ to _____

This Permit is subject to the conditions in the Schedule.

Any contravention of any condition (s) may result in suspension or revocation of this Permit.

N.B.: A person who carries out any form of research or collects any objects, specimens of animal or plant life in a National Park without a valid permit commits an offence under regulation 16 (8) of the National Parks Regulations.

SCHEDULE

(Specify conditions)

Dated _____

SEAL

Authorized Officer

PART B

(Regulation 14A)

Activities and Location Fee payable in respect of Research

The location fees referred to are—

- | | | | | | | | |
|-----|---|----|----|----|----|----|-------------|
| (a) | concerts, parties and any other
such activities | .. | .. | .. | .. | .. | \$60,000.00 |
| (b) | the making of commercial films/
television, documentaries or
advertisements | .. | .. | .. | .. | .. | \$75,000.00 |
| (c) | weddings and sporting events | .. | .. | .. | .. | .. | \$30,000.00 |