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GRENADA

ACT NO. 8 OF 2019

I assent,



22nd August, 2019.

CÉCILE E. F. LA GRENADE
Governor-General.

An Act to establish the enabling framework to facilitate the integrated management of the coastal resources of the State of Grenada, for the conservation and enhancement of those resources and for matters related thereto.

[23rd August, 2019].

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives and by the authority of the same as follows—

PART I**PRELIMINARY**

1. This Act may be cited as the

Short title.

INTEGRATED COASTAL ZONE MANAGEMENT
ACT, 2019.

Interpretation.

2. In this Act—

“beach” means the entire area associated with the shoreline, composed of unconsolidated materials, typically sand and beachrock, that extends landwards from—

- (a) the high water mark to the area where there is a marked change in material or natural physiographic form; or
- (b) to a distance of 60 metres landward from the mean high water mark,

whichever is the lesser distance;

“beachrock” means formerly unconsolidated materials of the area associated with the shoreline, which have been naturally cemented into rock;

“coastal resources” means the land, water and living resources associated with the shoreline and marine areas of Grenada, including beaches, shorecliffs, coral reefs, coral rubble, algal beds, seagrass beds, sand dunes, wetlands and other ecosystems found along the shore together with the flora and fauna found in these areas;

“coastal zone” means all those areas in which coastal resources are located;

“coastal zone inspector” or “inspector” means a public officer designated as a coastal zone inspector under section 27 (1);

“Coastal Zone Management Area” means an area established as such in accordance with section 10;

“Coastal Zone Management Plan” or “Management Plan” means the Coastal Zone Management Plan approved under section 7 (1) and published in accordance with section 7 (2);

“develop” means to carry out building, engineering, mining, or the operations in, on, over or under the coastal zone the making of any material change in the use of land, buildings or the subdivision of the land;

“Director” means the Director appointed under section 32;

“draft Coastal Zone Management Plan” or “draft Management Plan” means a draft Coastal Zone Management Plan under section 4 (1) (a);

“environment” means each of the following—

- (a) the components of the earth, including soil, the atmosphere and water;
- (b) any organic or inorganic matter and any living organism;
- (c) human made or modified structures and areas;
- (d) ecosystems and their constituent parts, including people and communities;

- (e) the qualities and characteristics of places and areas that contribute to their biological diversity and ecological integrity, scientific value, and amenity;
- (f) the interactions and interdependencies within and between the things mentioned in paragraphs (a) to (e);
- (g) the social, aesthetic, cultural and economic conditions that affect, or are affected by, the things mentioned in paragraphs (a) to (e);

“environmental impact assessment” means a process of evaluating the likely environmental impacts of a proposed project or development, taking into account inter-related socio-economic, cultural and human-health impacts, both beneficial and adverse;

“fauna” means any animal-life which is found in Grenada whether vertebrate or invertebrate and in any stage of biological development and includes fish and any part of a coral reef or other deposit in its natural condition, but does not include humans;

“flora” means any plant-life which is found in Grenada whether vascular or non-vascular and in any stage of biological development;

“high water mark” means the line of the highest run up of waves at the mean tide between spring and

neap tides, determined with the use of scientific and technical data;

“integrated coastal zone management” means the sustainable management of the coastal zone by balancing environmental, economic, social and cultural objectives through the integration of policies, sectors, and administration and the integration of the marine and terrestrial components of the coastal zone;

“Integrated Coastal Zone Management Unit” or “Unit” means a unit responsible for the implementation of this Act and located in the Ministry responsible for the environment;

“marine areas” means the submarine areas within the territorial waters of Grenada and includes any adjoining land or swamp area that forms with any such submarine area a single ecological entity;

“Marine Protected Areas” means an area designated as such pursuant to section 23 of the Fisheries Act, Chapter 108;

“Minister” means the Minister responsible for the environment;

“permit” means any licence, certificate, approval, or other entitlement for use granted or denied by any public authority which is subject to the provisions of this Act;

“person” means an individual, corporation, partnership, trust, association, or any other private entity; or any officer, employee, agent, department, or instrumentality of the Government of Grenada, or any other entity subject to the jurisdiction of Grenada;

“plant” means any member of the plant kingdom, including seeds, roots and other parts thereof;

“prohibited area” means an area so designated in accordance with section 13;

“regulated coastal resource” means any coastal resource designated as such in accordance with section 35;

“restricted area” means an area so designated in accordance with section 12;

“species” includes any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature;

“species of special concern” means any species designated as such in accordance with section 15 (1);

“wreck” means a sunken vessel, ship and derelict abandoned by its owners found within the territorial waters of Grenada and which is not in the custody of the receiver of wreck.

PART II**THE COASTAL ZONE MANAGEMENT PLAN AND
MANAGEMENT AREA**

4.—(1) The Director shall prepare for the approval of the Minister a draft Coastal Zone Management Plan, which shall comprise policies, strategies and standards that provide for the management and conservation of coastal resources and may include—

Draft
Coastal Zone
Management
Plan.

- (a) policies, strategies and standards for the development and the maintenance of structures in a Coastal Zone Management Area or a proposed Coastal Zone Management Area, and proposals for delineation of new Coastal Zone Management Areas;
- (b) standards for environmental impact assessment for development that may affect the conservation and management of coastal resources;
- (c) standards for water quality in the coastal zone to effect the maintenance, rehabilitation and enhancement of coastal and marine habitats;
- (d) provisions for public access through and to the beach and other natural areas of the coastal zone;
- (e) standards for activities other than those specified in paragraphs (a) to (c) which may affect coastal resources, including beachrock removal, coral rubble removal, removal of seagrasses, offshore sand mining, dredging, use

of explosives and chemicals, use of vehicles on beaches and the movement and the anchoring of vessels;

- (f) standards for approval and refusal of applications to develop property within the coastal zone;
- (g) guidelines for management of any area designated as a restricted area or a prohibited area;
- (h) guidelines for the general monitoring of the coastal zone, including its biological species, communities and habitats;
- (i) guidelines for the establishment of Marine Protected Areas and for the conservation of species of special concern;
- (j) recommendations for the preservation and management of the scenic, cultural and other natural resources;
- (k) proposals for the improvement of public education and for community empowerment, through public participation in the management of coastal resources;
- (l) recommendations for improving the conduct of research for the purposes of conservation and management of coastal resources;
- (m) standards for early warning systems for coastal hazards;

- (n) recommendations for the improvement of the legal, policy and institutional framework for integrated management of the coastal zone;
- (o) recommendations for resource mobilisation and capacity building for conservation and management of the coastal zone.

(2) The Director may include such maps and descriptive material in the draft Management Plan as may be necessary to illustrate any strategy, policy, standard or designation in the plan with particularity.

(3) The Director shall, in the preparation of the draft Management Plan, consult with all affected governmental agencies, statutory bodies, nongovernmental organizations and the private sector.

(4) The Director may adopt, with or without variations, a draft Management Plan for any coastal area of Grenada proposed by any person who has an interest in that area, or by a community situated in or the local authority for that area.

5.—(1) Upon receipt of a draft Management Plan, the Minister shall cause public consultations to be conducted, at which the Director shall present the draft Management Plan, for discussion and representations.

Public
consultations.

(2) The Minister shall take reasonable steps to ensure that relevant persons who wish to make representations

with respect to these matters are invited and given adequate opportunity to make representations on those matters.

(3) For the purposes of subsection (2), the Minister shall cause to be published a notice in the *Gazette* and in at least one newspaper, advising notifying the public of the date of a public consultation, which shall be not less than 2 weeks before the date so appointed.

Revision
of draft
Management
Plan.

6.—(1) Where public consultations are conducted for the purposes of section 5, the Director shall effect to the draft Management Plan appropriate revisions in the light of any discussions or representations resulting from the consultations.

(2) Where the Director has revised the draft Management Plan for the purposes of subsection (1), the Director shall submit the draft Management Plan as revised, to the Minister for approval.

Approval of draft
Management
Plan.

7.—(1) The Minister may approve the draft Management Plan as submitted under section 4 or 6 (2), subject to such modifications as the Minister considers necessary, as the Coastal Zone Management Plan.

(2) Upon approval of the Coastal Zone Management Plan, the Minister shall cause the Management Plan to be laid before Parliament and published in the *Gazette*.

(3) The Director cause the Management Plan as published in the *Gazette* to be available for inspection by the public via an official website of the Government of Grenada.

Application of
the Management
Plan.

8.—(1) Subject to subsection (2), every person or authority exercising any function, under this Act or related to any coastal zone management under this Act or any other enactment, that may in the opinion of the Director affect the conservation and management of coastal resources, shall have regard to the Management Plan.

(2) In the case of any conflict between the Management Plan and any fisheries scheme under the Fisheries Act, Chapter 108, in respect of the living resources of the coastal zone outside a restricted area or prohibited area, the fisheries scheme shall prevail.

(3) Notwithstanding the provisions of this Act, the Management Plan shall not be construed as authorising any development that is not permitted under the Physical Planning and Development Control Planning Act, 2016 or any other enactment.

Amendments to
the Management
Plan.

9.—(1) Notwithstanding section 11, the Director may at any time propose to the Minister amendments to the Management Plan.

(2) Any amendment to the Management Plan shall be made in accordance with sections 4 to 7.

(3) Where an amendment is approved and published in accordance with section 7, the Director shall cause to be published in accordance with section 7 (3) the Management Plan as amended, which shall constitute the Coastal Zone Management Plan with effect from the date of the amendment.

Coastal Zone
Management
Areas.

Review of
Management
Plan.

10. In accordance with the Management Plan and any amendments to the Management Plan, the Minister may by Order designate, or remove or amend a designation of, an area as a Coastal Zone Management Area.

11.—(1) At least once in every 5 years, the Director shall conduct a full review of the Coastal Zone Management Plan and submit to the Minister a report on the review, together with proposals for amendment as he or she deems fit.

(2) Any amendment for the purposes of subsection (1) shall be in accordance with under section 9.

PART III

Restricted areas.

PRESERVATION, PROTECTION AND ENHANCEMENT OF COASTAL RESOURCES

12.—(1) Subject to section 14, the Minister may, in consultation with the Director and the Fisheries Division, by Order designate any portion of the coastal zone as a restricted area where he or she considers it necessary for any of the following purposes—

- (a) the preservation or enhancement of the natural beauty of the area;
- (b) the protection or rehabilitation of the flora and fauna found in the area;
- (c) the protection of items of archaeological and historical interest found in the area;
- (d) the promotion of the enjoyment by the public of the area;

- (e) the promotion of scientific study and research in respect of the area.

(2) An Order under subsection (1) shall describe definitively the restricted area, and shall include a map or other imagery or description as may be necessary for the purpose.

(3) An Order under subsection (1) may restrict or prohibit the removal of species of such flora or fauna or other items from the restricted area as may be specified in the Order.

(4) Any person who removes or aids in or assists in removing any species or item specified in accordance with subsection (3) commits an offence, unless the species or item is removed by or on behalf of the Director.

13.—(1) Subject to section 14, the Minister may, in consultation with the Director and the Fisheries Division, by Order designate any portion of the coastal zone as a prohibited area where he or she considers it necessary for any of the following purposes—

- (a) the preservation or enhancement of the natural beauty of the area;
- (b) the protection or rehabilitation of the flora and fauna found in the area;
- (c) the protection of items of archaeological and historical interest found in the area;
- (d) the promotion of the enjoyment by the public of the areas;

- (e) the promotion of scientific study and research in respect of the area.
- (f) any other purpose as may be necessary.

(2) An Order under subsection (1) shall describe definitively the prohibited area, and shall include a map or other imagery or description as may be necessary for the purpose.

(3) An Order under subsection (1) may restrict or prohibit the removal of species of such flora or fauna or other items from the prohibited area as may be specified in the Order.

(4) Any person who removes or aids in or assists in removing any species or item specified in accordance with subsection (3) commits an offence, unless the species or item is removed by or on behalf of the Director.

Consultation for designation of restricted and prohibited areas.

14.—(1) Before making an Order for the purposes of section 12 or 13, the Minister shall cause public consultations to be conducted, at which person nominated by the Minister, shall present on the intention to designate the area as a restricted or prohibited as the case may be, for discussion and representations.

(2) The nominated person shall take reasonable steps to ensure that relevant persons who wish to make representations with respect to these matters are invited and given adequate opportunity to make representations on those matters.

(3) For the purposes of subsection (2), the Minister shall cause to be published a notice in the *Gazette* and in at least one newspaper, advising notifying the public of the date of a public consultation, which shall be not less than 2 weeks before the date so appointed.

(4) The nominated person shall give to the Minister a report in writing on the discussions and representations resulting from the public, and making recommendations as he or she deems fit in the light of the discussions or presentations.

(5) A nomination for the purposes of subsection (1) shall be by instrument in writing.

(6) The Director shall attend, or be represented, at every public consultation for the purposes of this section.

(7) An amendment to an Order under section 12 or 13 shall be in accordance with this section.

15.—(1) The Minister may, by Order, designate species of special concern.

Protection
of species of
special concern.

(2) The Director may issue a notice directing any person to take precautionary measures for the protection of a species of special concern affected by development within the coastal zone for the purposes of any of the following considerations—

- (a) the present or threatened destruction, modification, or curtailment of its habitat or range;

- (b) overutilisation for commercial, recreational, scientific, or educational purposes;
- (c) disease or predation;
- (d) the inadequacy of existing regulatory mechanisms; or
- (e) other natural or manmade factors affecting its continued existence.

Power to arrest.

16. A police officer may without a warrant—

- (a) arrest any person who is found removing, aiding or assisting in removing any flora, fauna and any other relevant items from a restricted area, contrary to this Act;
- (b) arrest any person who is found removing, aiding or assisting in removing any flora, fauna and any other relevant items from a prohibited area, contrary to this Act;
- (c) search and seize any vehicle, vessel or other means of conveyance reasonably suspected by the police officer to have been used in the commission of an offence under paragraph (a) or (b),

and, as soon as is reasonably practicable, bring the person before a magistrate to be dealt with in accordance with the provisions of this Act.

Land
Acquisition.

17.—(1) Subject to subsection (2), the Government may enter into agreements for the use, right of access to and the

right to control any land required by it for the purposes of this Part.

(2) Any land required for the carrying out of the purposes of this Act may be acquired by the Government in accordance with the Land Acquisition Act, Chapter 159.

18. The expenses in carrying out the provisions of this Part shall be defrayed out of— Expenses.

- (a) money allocated by Parliament from time to time for the purposes of this Act;
- (b) and any other money received for the purposes of carrying out functions under this Part, whether by way of grant, loan, or otherwise.

19.—(1) Subject to section 20, any person who—

- (a) harvests any regulated coastal resource in the State of Grenada, its territorial waters or its exclusive economic zone; or
- (b) for the purposes of trade, imports, exports any regulated coastal resource or any item manufactured in whole or in part from coral,

commits an offence.

(2) Any person who buys, sells or otherwise trades in any regulated coastal resource or any item manufactured in whole or in part from a regulated coastal resource commits an offence.

(3) The court may order that a person who has been convicted of an offence under this section shall return the

Prohibition on harvesting of regulated coastal resources.

regulated coastal resource that was the subject matter of the offence to be forfeited to the Crown.

(4) Any person who breaks off a piece of coral from a reef commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

Permit for regulated coastal resources.

20.—(1) The Minister may, on application in the prescribed form and accompanied by the prescribed fees, issue a permit for—

- (a) the harvesting, importing or exporting for trade of a regulated coastal resource; or
- (b) the buying, selling or trading in a regulated coastal resource,

for purposes of scientific study and research, or for any other purpose as he or she deems fit, and which shall be specified in the permit.

- (2) The Minister may suspend or revoke any permit—
 - (a) for contravention of any term or condition of the permit; or
 - (b) where the Minister is advised by the Director that the suspension or revocation is necessary for the protection of the regulated coastal resource, the coastal zone or the environment generally.

Appeal.

21. A person who is aggrieved by the decision of the Minister for the purposes of section 20 may, within 21 days

of the receipt of notification of that decision, appeal against the decision to a Judge in Chambers.

22.—(1) Any person who—

- (a) uses any explosive, poison or other noxious substance for the purpose of harvesting a regulated coastal resource or catching, taking or harvesting fish, or permits any explosive, poison or other noxious substance to be used for that purpose; or
- (b) carries, or has in his or her possession or control, or is found on any vessel carrying, any explosive, poison or other noxious substances in circumstances indicating any intention of using such explosive, poison or other noxious substance for the purpose of harvesting a regulated coastal resource or catching, taking or harvesting fish,

Damage to regulated coastal resource.

commits an offence.

(2) Any person who willfully or negligently causes physical damage to any coral reef, fish or other coastal resource commits an offence and is liable on summary conviction to a fine not exceeding \$600 for every square metre of damage or to imprisonment for 5 years or to both.

(3) Any explosive, poison or other noxious substance found on board any vessel is presumed, unless the contrary is proved, to be intended for the purpose of harvesting a regulated coastal resource or catching, taking or harvesting fish.

(4) Any vessel, dynamite or any other explosive substance or any poison or any noxious material found in the possession of a person who is arrested for the commission of an offence under this section may be seized by the person making the arrest.

(5) For the purpose of this section, a certificate as to the cause and manner of death of or injury to any regulated coastal resource—

(a) caused by a noxious substance or chemical, shall be signed by the Director; or

(b) caused by explosives, shall be signed by the Director, or such other person as the Director may designate in writing,

and shall be admitted as prima facie evidence in court without proof of signature of the person purporting to have signed the certificate.

(6) The defendant to proceedings brought under this section is entitled to 14 days' notice in writing of the intention of the prosecution to produce in evidence a certificate under subsection (5).

(7) A Magistrate may order that a vessel seized pursuant to subsection (4) be forfeited if he or she is satisfied that the vessel is owned by the person who is convicted under subsection (1).

Removal of
vegetation
and sand from
beach.

23.—(1) Subject to subsections (2) and (3) and section 20, any person who removes, or aids in or assists in removing, any vegetation, sand, stones, shingle or gravel from any part of the beach commits an offence.

(2) Subsection (1) shall not apply where the material to which subsection (1) refers, is removed by or on behalf of the Director.

(3) Notwithstanding section 20, the Gravel and Concrete Emulsion Production Corporation established under Gravel and Concrete Emulsion Production Corporation Act, Chapter 125 is hereby granted permission to remove sand from the coastal zone, upon consultation with the Director.

24. A police officer with or without a warrant—

Arrest with or without a warrant.

- (a) may apprehend any person found removing, or aiding or assisting in removing, any vegetation, sand, stones, shingle or gravel from any beach or from any restricted area or prohibited area, contrary to this Act; and
- (b) may as soon as is reasonably practicable carry the person before a magistrate to be dealt with according to this Act.

25.—(1) Where any vehicle, vessel or other means of conveyance is used by any person in the removal of vegetation, sand, stones, shingle or gravel from any beach or from any restricted or prohibited area, a police officer with or without a warrant—

Power to seize vessels used in removal of vegetation or sand.

- (a) may seize and detain the vehicle, vessel or other means of conveyance; and
- (b) lay an information in relation thereto before the magistrate of the district.

(2) A Magistrate may order that a vehicle, vessel or other means of conveyance be forfeited if he or she is satisfied that the vehicle, vessel or other means of conveyance has been used by its owner in the commission of an offence under section 22 (1) or 22 (2) of which that owner has been convicted.

PART IV

POWERS AND FUNCTIONS OF DIRECTOR AND COASTAL ZONE INSPECTORS

Director.

26.—(1) There shall be a Director of Integrated Coastal Zone Management, who may be a public servant, responsible for the day to day administration and supervision of the staff of the Integrated Coastal Zone Management Unit and the implementation of the Coastal Zone Management Policy.

(2) The Director shall advise all Ministers, Boards, Commissions and other statutory authorities on the policy to be adopted in the exercise of their powers in respect of integrated coastal zone management under this Act and under any enactment affecting the conservation and management of coastal resources.

(3) The Director shall take reasonable steps to enforce the provisions of this Act, and provisions relating to coastal zone management or conservation and management of coastal resources, in any other enactment.

(4) Any person exercising any powers relating to coastal zone management enactment or affecting the conservation and management of coastal resources, under any enactment, shall first consult with the Director.

(5) The Director shall carry an identification badge while engaged in the performance of his or her duties.

27.—(1) The Minister may, from time to time, designate public officers, or categories of public officers, as coastal zone inspectors for the purposes of this Act. Coastal Zone Inspectors.

(2) The primary function of a coastal zone inspector is to assist the Director in monitoring compliance with and enforcement of the provisions of this Act.

(3) The Director shall provide each coastal zone inspector with an identification badge which shall be carried by the coastal zone inspector while he or she engages in the performance of duties under this Act.

28. The Director shall be subject to such directions whether of a special or general character in relation to the policy to be followed in the exercise of the powers conferred and the duties imposed on the Director as the Minister gives in writing on any matter that affects the public interests. Ministerial directions to Director.

29. The Minister may appoint a Coastal Management and Ocean Governance Committee on such terms and conditions as he or she deems fit, to advise and make recommendations for the purposes of directions under section 28 and the discharge of the functions of the Minister under this Act. Coastal Management and Ocean Governance Committee.

30.—(1) The Director may seek the assistance of the Police Force where he or she deems it necessary for the management of coastal resources. Royal Grenada Police Force to give support.

(2) When acting on a general or particular request of the Director, a member of the Police Force shall have,

in addition to such powers as are conferred on that member otherwise than by this Act, all the powers conferred on the Director by this Act.

(3) For the purposes of this Act, a police officer may, acting under the general or particular directions of the Director, with a warrant or court order, at any reasonable time—

- (a) enter and search any place where the police officer reasonably believes contravention of the provisions of this Act or any enactment that affects coastal zone management has occurred or is imminent;
- (b) enter and search any place where the police officer reasonably believes that evidence of contravention of the provisions of this Act or any enactment that affects coastal zone management will be found;
- (c) stop and search any vehicle or vessel in relation to which the police officer reasonably believes contravention of the provisions of this Act or any enactment that affects coastal zone management has occurred or is imminent;
- (d) stop and search any vehicle or vessel in or on which the police officer reasonably believes that evidence of contravention of the provisions of this Act or any enactments that affects coastal zone management would be found;

- (e) require the production of any document which the police officer reasonably believes contains information relevant to a contravention, which the inspector reasonably believes has occurred or is imminent, and that affects the protection of the coastal zone;
- (f) require the production of any document required to be kept under the provisions of this Act or any enactment that affects coastal zone management;
- (g) make reasonable inquiries of any person, orally or in writing; and
- (h) exercise any other power related to investigation under the provisions of this Act or any enactment that affects coastal zone management.

(4) A person who operates a vehicle or vessel shall stop the vehicle or vessel when required to do so by another person who identifies himself or herself as a police officer and who is acting under paragraph (c) or (d) of subsection (3).

(5) For the purposes of subsection (3), “search” includes taking samples of substances for the purpose of analysis.

(6) Any requirement to produce documents under this section shall not extend to any document where the person to whom the requirement is addressed could not,

otherwise than under this Act, be ordered by a court to produce that document in any civil or criminal proceedings.

Orders by
magistrates.

31.—(1) Where a Magistrate is satisfied, on evidence on oath by an inspector or police officer, that it would be reasonable for a police officer to exercise a power under section 30 (1), and that—

- (a) the power is to be exercised in relation to a dwelling house; or
- (b) the police officer may not be able effectively to carry out his or her duties without an order under this section because—
 - (i) no occupier is present to grant access to a place, vehicle or vessel that is locked or is otherwise inaccessible;
 - (ii) a person has prevented the police officer from exercising a power under section 30 (1);
 - (iii) there is reasonable ground to believe that a person may prevent the police officer from exercising a power under section 30 (1); or
 - (iv) there is reasonable ground to believe that an attempt by the police officer to exercise a power under section 30 (1) without the order might otherwise defeat the purpose thereof or endanger human life, human health, property or the environmental quality of the coastal zone;

the magistrate may issue or renew an order authorising the police officer to exercise any power under section 30 (1) that is specified in the order for the period of time specified in the order.

(2) An order under this section expires not later than 30 days after the date on which it is made unless renewed, and may be renewed for any reason mentioned in subsection (1) before or after expiry for one or more periods each of which is not more than 30 days.

(3) An order under this section shall be carried out during daylight hours unless the order authorises otherwise.

(4) An order under this section may be issued or renewed on application notwithstanding that no notice of the application is given to any person who may be affected thereby.

PART V

OFFENCES AND PENALTIES

32. A person who assaults or obstructs the Director, an inspector or a member of the Police Force in the execution of his duty under section 29 or 30 commits an offence. Assaulting, obstructing Director.

33.—(1) Any person who commits an offence under this Act for which no penalty is prescribed, is liable on the first conviction for that offence— Penalties.

- (a) on indictment, to a fine not exceeding \$100,000 together with, where applicable, an amount equal to the value of the property seized or to

imprisonment for a term not exceeding 5 years, or to both; or

- (b) on summary conviction, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years, or to both.

(2) Any person who commits an offence under this Act for which no penalty is prescribed is liable on the second or any subsequent conviction for that offence—

- (a) on indictment, to a fine not exceeding \$200,000 together with, where applicable, an amount equal to the value of the property seized or to imprisonment for a term not exceeding 5 years, or to both; or
 - (b) on summary conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years, or to both.
- (3) The court shall not impose under paragraph (a) of subsection (1) or (2) an amount equal to the value of the property seized, unless the prosecutor has notified the defence in writing that the court will be asked to do so and the prosecution has so asked.
- (4) Where the condition under subsection (3) is satisfied, the court shall not impose a penalty equal in value to the property seized under subsection (1) or (2) before 8 weeks have elapsed after the receipt by the defence of the notice under subsection (3), and the court shall ensure that the defence is provided with an

opportunity after those 8 weeks have elapsed to present its case in relation to the appropriateness of imposing, and the calculation of, the penalty.

PART VI

MISCELLANEOUS

34. Where the Director reasonably believes that a person has contravened a provision of this Act, he or she shall report the matter a member of the Police Force to institute proceedings in a court.

Power to institute proceedings.

35. The Minister may, by Order, designate coastal resources as regulated coastal resources for the purposes of this Act.

Designation of regulated coastal resources.

36.—(1) The Minister may make regulations generally for the proper implementation of the provisions of this Act.

Regulations.

(2) Without limiting the generality of subsection (1), the Minister may make regulations—

- (a) with respect to the preparation, making, and implementation of the Coastal Zone Management Plan and with respect to a Coastal Zone Management Area;
- (b) governing—
 - (i) the care, control and management of the restricted areas and prohibited areas;

- (ii) the protection of coral reefs in any restricted area or prohibited area, and in particular prohibiting or regulating diving, fishing and navigation and anchoring of vessels or any class thereof;
- (iii) the protection of the flora and fauna and wrecks in the restricted areas or prohibited areas;
- (iv) the use of guides by visitors to any restricted area;
- (v) fees to be prescribed for the services provided by the guides referred to in subparagraph (iv);
- (vi) the seizure and confiscation of any flora, fauna, wreck or any part thereof taken in contravention of the regulations and of any vehicle, vessel or other means of conveyance whatsoever upon which the same may be found.

(3) To the extent that regulations made under this section and regulations made under the Fisheries Act, Chapter 108 both apply to the living resources of the coastal zone outside a restricted or prohibited area, the regulations made under the Fisheries Act shall prevail in the case of any conflict.

Transitional provisions.

37. Notwithstanding section 19 (2), no person shall be prosecuted for contravention until the expiration of

six months from the commencement of this Act or the designation of the regulated coastal resource in accordance with section 35, whichever is later.

38. The Beach Protection Act, Chapter 29 is hereby ^{Repeal.} repealed.

Passed by the House of Representatives this 9th day of August, 2019.

ANDREW AUGUSTINE
Clerk to the House of Representatives (Ag.).

Passed by the Senate this 15th day of August, 2019.

ANDREW AUGUSTINE
Clerk to the Senate (Ag.).

