

EXTRAORDINARY OFFICIAL GAZETTE THE BAHAMAS PUBLISHED BY AUTHORITY

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THE BAHAMAS NATIONAL TRUST (PRESERVATION OF NATIONAL PARKS) BYLAWS, 2022

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THE BAHAMAS NATIONAL TRUST ACT

(CHAPTER 391)

THE BAHAMAS NATIONAL TRUST (PRESERVATION OF NATIONAL PARKS) BYLAWS, 2022

In exercise of the powers conferred by section 24 of the Bahamas National Trust Act (*Ch. 391*), the Council, in consultation with and with the approval of the Minister, hereby makes the following Bylaws —

PART I - PRELIMINARY

1. Citation.

These Bylaws may be cited as the Bahamas National Trust (Preservation of National Parks) Bylaws 2022.

2. Interpretation.

- (1) In these Bylaws, unless the context otherwise requires
 - "Act" means the Bahamas National Trust Act (Ch. 391);
 - "aircraft" means an airborne craft of any type, whether self-propelled or not, and includes a hovercraft or drone while in the air;
 - "animal" means any member of the animal kingdom including, but not limited to a mammal, bird, reptile, amphibia, fish, mollusc, fungi or any other living organism;
 - "authorized" means authorized in writing by a warden or other authorised person or Officer of the Bahamas National Trust;
 - "blue hole" means a land, seabed or terrestrial subsurface void which is open to the surface and has developed in a bank or island composed of a carbonate bedrock;
 - "ecosystem" means a biological community of interacting organisms and their physical environment;
 - "fishing or to fish" means to search for, catch, take or harvest any fishery resource and includes the placing of, searching for or recovering any fishing device or other gear to aid in the search for, catching or harvesting of any fishery resource;
 - "hunting" includes, but is not limited to, any act preparatory to and the intentional killing, capturing, driving or luring any species of

animal by any means, method or device whatsoever or to search for, lie in wait for, pursue, shoot at, tranquilize or immobilize such species and further includes taking eggs or nests of any such animal;

- "idle speed" means the minimum speed at which a vessel's engine provides steerage;
- "invasive species" means a species that is not native to a specific location (an introduced species), that has a tendency to spread to a degree believed to cause damage to the environment, human economy or human health;
- "organism" means an individual animal, plant, or single-celled life form;
- "park" means a park specified in the First Schedule;
- "vessel" means a boat, jet-ski, sailboard, raft, pontoon or any other man made object capable of floating on water and includes a hovercraft while on the sea;
- "waste" includes any matter prescribed to be waste by any other law, and any matter, whether liquid, solid, gaseous or radioactive, which is discharged, emitted or deposited in the environment in such volume, composition or manner as to affect or cause an alteration of the environment.

3. Application of Bylaws.

These Bylaws shall apply to the trust property specified in the *First Schedule* and held by the Bahamas National Trust for the purposes of the Act (commonly and collectively known as "National Parks").

PART II – CONSERVATION, PRESERVATION AND PROTECTION OF PARKS

ENVIRONMENTAL PROTECTION

4. Prohibition against pollution.

No person shall within a park —

- (a) except in an area or receptacle provided for that purpose, deposit or leave any litter, bottle, broken glass, china, pottery, plastic article, rubbish, or other solid or other waste material:
- (b) deposit, discharge or leave any noxious, smelly, poisonous, offensive or polluting substance, matter or thing;

- (c) deposit or leave any fish or animal carcasses, parts or offal, or other animal waste;
- (d) deposit, burn, or discharge any liquid or solid waste or any other material which leave ash, coal, ember or chemical residue; or
- (e) deposit, discharge or leave any mineral, mineral waste or other industrial waste or by-product within a park.

5. Prohibition against noise.

- (1) No person shall within a park
 - (a) cause any broadcast or emission of music or other sound effects of such volume such as likely to constitute a nuisance or disturbance to others or to wildlife directly or indirectly; or
 - (b) cause or carry out any activity likely to result in nuisance or disturbance of any park user, or wildlife.
- (2) As to whether any noise or sound levels or other activity provided for in subsection (1) constitutes or may constitute a nuisance or disturbance shall be in the absolute discretion of the warden on duty and in the vicinity of such activity, and such warden's directives in that regard shall be conclusive.

PROTECTION OF RESOURCES

6. Plants and other natural resources.

- (1) No person shall unless authorized, take or put ashore, introduce, or release any plant or other living organisms into any area of a park.
- (2) No person shall unless authorized, take, molest, injure, destroy, deface or remove from a park or transport from place to place in the park any
 - (a) soil, rock, beach or seabed sand, shells, guano, mineral or similar material;
 - (b) wood, mulch or other dead vegetation; or
 - (c) fossil or archaeological remains.
- (3) No person shall intentionally disturb any
 - (a) soil or similar material in a park; or
 - (b) wood, mulch or other dead vegetation; or fossil or archaeological remains in a park.

7. Restriction on animals in a park.

- (1) No person shall, unless otherwise authorized, take or put ashore, introduce, or release any animal or other living organism into any area of a park.
- (2) Notwithstanding subsection (1), and subject to any restrictions which may be imposed by the erection of a sign or notice, a person may take a dog into a park if the dog is
 - (a) at all times accompanied by a person capable of controlling the dog; and
 - (b) properly leashed and confined to the area of the beach and certain designated areas.
- (3) For the purposes of this section a leash must not exceed two metres.
- (4) No person shall
 - (a) permit or cause to permit any domesticated animal to harass or threaten wildlife in a park, trail or brush;
 - (b) feed any animal found in a park, unless otherwise authorized by the erection of a sign by the Bahamas National Trust.

8. Restriction on fishing.

- (1) No person shall, unless otherwise authorized
 - (a) kill, capture, fish, take, injure, harass, or wilfully chase any organism or species within or from a park;
 - (b) transport
 - (i) from place to place within a park; or
 - (ii) have within his possession within a park, any natural, existing, or occurring organism, mat-

any natural, existing, or occurring organism, matter or thing in any area of the terrestrial, freshwater or marine environment of the park taken in violation of these Bylaws.

- (2) For the purposes of paragraph (1)
 - "fresh water or marine environment" includes any foreshore, creek, wetland area, sea or sea-bed area;
 - "thing" includes
 - (a) any species of fish, marine mammal, turtle, craw fish and lobster, conch, whelks and other marine snail and shell, coral, sea-fan, sponge and other gorgonian and all other forms of marine life;

- (b) any mammal, reptile, crustacean and all other invertebrates including a land-crab, amphibian or bird including the eggs, squab and nest thereof; and
- (c) all forms of plant life or material whether living, dead or fossilised.

OTHER PROHIBITED AND RESTRICTED ACTIVITIES

9. Prohibition against erecting or damaging a structure, etc.

- (1) No person shall within a park
 - (a) injure, deface, remove or displace any or any part of a building, sign, ruin, dune, cairn, wall or other structure;
 - (b) injure, deface, remove or displace or touch any artefact;
 - (c) add to or erect any rock, cairn, shed or other structure.
- (2) For the purposes of this Bylaw, an "umbrella", "tarpaulin", or a "tent in active use" shall not be deemed to be a structure.

10. Restriction of commercial entertainment.

No person shall, unless authorized —

- (a) put on any show, display any exhibition or other like thing on any lands, submarine areas, or property of the Bahamas National Trust;
- (b) make any movie or film for commercial purposes on any lands, submarine areas, or property of the Bahamas National Trust.

11. Restriction on access and use of caves.

- (1) No person shall
 - (a) urinate or defecate in a cave;
 - (b) smoke any tobacco or other product in a cave;
 - (c) disturb, touch or interfere with any artefact in a cave;
 - (d) inscribe or carve graffiti in a cave;
 - (e) use any paint, dye or marker in a cave, or release any substance into the waters of a cave; or
 - (f) light a fire or burn any material in a cave.
- (2) No person shall
 - (a) enter a cave; or
 - (b) dive in the waters of a cave or sink hole, unless accompanied by a warden or other authorised personnel.

- (3) For the purposes of this Bylaw, a "cave"
 - (a) means any naturally occurring void, cavity, recess, or system of interconnected passages which occurs beneath the surface of the earth or within a cliff or ledge including any cave resource therein, and which is large enough to permit an individual to enter, but not including any mine, tunnel, aqueduct, or other manmade excavation; and
 - (b) includes any natural pit, sink-hole, or other feature, which is an extension of the entrance and including any such system that is submerged in water.

12. Restriction on erection of signs.

No person shall, unless authorized, erect any sign, placard, advertisement or notice anywhere within a park.

13. Restriction on use of fireworks and weapons, etc.

- (1) No person shall, unless authorized, display, use, or discharge, any explosives, fireworks, firearm (other than a flare gun for distress signalling), spear gun, harpoon gun or other weapon or implement within a park.
- (2) For the purposes of paragraph (1), "other weapons" shall not include a tool or utensil ordinarily utilized when camping.
- (3) Nothing in this Bylaw shall be construed as restricting or preventing a warden from bearing and using arms in the execution of his duties.

14. Prohibition on unauthorized hunting.

- (1) No person shall hunt within a park, unless such person
 - (a) is authorized under Part III;
 - (b) is in possession of a valid licence under the provisions of the Firearms Act (Ch. 213).
- (2) For the purposes of this Bylaw, "hunting" includes, but is not limited to
 - (a) any act preparatory to the intentional killing, capturing, driving or luring any species of animal by any means, method or device;
 - (b) the intentional killing, capturing, driving or luring any species of animal by any means, method or device; or
 - (c) searching, lying in wait for, pursuing, shooting at, tranquillizing or immobilizing any species, or taking the egg or nest of any species.

15. Prohibition of operation of vessel or vehicle.

- (1) No person shall operate or permit the operation of any vessel
 - (a) within any mooring field or anchorage, or other area designated as "Idle Speed" or "No Wake" zones, at a speed above such vessel's idle speed or at a speed which raises more than minimal wake;
 - (b) in any area in which such operation is prohibited by the erection of a sign or notice; or
 - (c) in such a manner as to disturb, damage or otherwise injure coral, sea grass, or other organisms attached to the seabed or to cause prop-scarring or strike or cause injury to marine life.

(2) No person shall —

- (a) use or operate any jet-ski or other motorised personal water craft within any creek or in any area in which
 - (i) the operation is prohibited by the erection of a sign or notice; or
 - (ii) is in such proximity to other park users, such as to constitute a nuisance or disturbance;
- (b) without lawful authority, draw or propel any carriage, cart, caravan, truck, motor vehicle, cycle, all-terrain vehicle, motor cycle, or any other vehicle upon any lands, submarine areas, or property of The Bahamas National Trust.

16. Restriction on anchoring.

- (1) No person shall
 - (a) cast or drop any anchor in any place where damage to coral, sea grass, or other organisms attached to the seabed is likely to result;
 - (b) place or cause to be placed within a park, any permanent mooring.
- (2) A person may only anchor within a park in an area
 - (a) designated by the erection of a sign or notice by The Bahamas National Trust; or
 - (b) identified in a navigation publication by an entity authorized to designate such.

17. Prohibition on unauthorized park access.

No person shall, unless authorized, enter an area designated within a park —

(a) as restricted by an erected sign or notice indicating that access is prohibited or restricted;

(b) for bird nesting, unless such authorization is indicated by an erected sign or notice.

18. Prohibition against unauthorized camping.

- (1) No person shall camp within a park unless that person is authorized so to do.
- (2) Where a person has been granted permission to camp in a park, that person shall
 - (a) remain in the area designated for camping, as specified;
 - (b) observe any direction given by a warden; and
 - (c) leave the area designated in the condition in which it was met.
- (3) For the purposes of this bylaw, "camp" includes overnighting in a vehicle or vessel.

19. Restriction on grilling in a park.

- (1) A person may engage in outdoor cooking using charcoal or wood in an area designated by the erection of a sign or notice or other publication.
- (2) Every person who engages in outdoor cooking must abide by any guidelines imposed for outdoor cooking and camp fires as indicated by the erection of a sign at the designated site or other publication.

20. Prohibition of unauthorized flight of aircraft over a park.

- (1) No person shall, unless authorized
 - (a) take off in any aircraft from a park; or
 - (b) fly or hover over a park at a level of less than one thousand feet.
- (2) Paragraph (1) shall not apply in the event of an emergency as authorized by The Bahamas National Trust.
- (3) The operator of an aircraft shall at all times comply with the any laws in force at the time governing civil aviation.

21. Permission to conduct scientific research.

- (1) No person shall within a park carry out or conduct a study or research or enter or remain in a park for such purpose, unless that person has
 - (a) if applicable, the requisite permit or other authorisation to conduct such study or research by virtue of any other written law in force; and
 - (b) a permit or such other written authorisation from The Bahamas National Trust so to do.

- (2) Subsection (1) shall not apply to
 - (a) a warden or other authorised officer with responsibility for enforcing these Bylaws;
 - (b) a person authorised to seize, hold or remove any specimen for evidentiary purposes;
 - (c) an authorised person acting in the service of The Bahamas National Trust (whether paid or voluntary), who is conducting any—
 - (i) construction, restoration, scientific or educational activity;
 - (ii) tree or plant transplanting project; or
 - (iii) animal control or animal eradication.

PART III – PROVISIONS RELATING TO SPECIFIC PARKS

22. Application of Part.

Notwithstanding the provisions of Part II, the provisions in this Part shall apply to the park as specified.

23. Application to hunt.

- (1) Any person desirous of hunting in
 - (a) the Abaco National Park;
 - (b) the Andros West Side National Park;
 - (c) the Inagua National Park;
 - (d) the Andros Crab Replenishment Park; or
 - (e) the Andros Blue Holes National Park

shall make application in the manner shown in the Form in Part A of the Second Schedule and pay the fee specified in Part B of the Second Schedule.

- (2) A licence may be granted as shown in Part C of the *Second Schedule*, subject to such terms and conditions as may be specified thereon.
- (3) Hunting shall only be permitted
 - (a) in accordance with the Wild Birds Protection Act (Ch. 249) and for birds listed in the Schedule thereto; or
 - (b) as authorised under any other law.
- (4) The Bahamas National Trust may close a park to hunting in the interest of sound wildlife management.

24. Fishing.

- (1) No person shall, unless authorized, kill, capture, fish, take, injure, harass, or wilfully chase any organism or species within or from
 - (a) the area zoned as "sensitive" in the Andros West Side National Park;
 - (b) the areas in the Moriah Harbour Cay National Park designated as "no fishing and sensitive zones";
 - (c) the marine area of the Inagua National Park zoned as "sensitive"; and
 - (d) the areas designated as "no fishing" and "sensitive" in the Walker's Cay National Park;
 - (e) the area zoned as sensitive in the Graham's Harbour Iguana and Seabird National Park:
 - (f) the area zoned as sensitive in the Pigeon Creek and Snow Bay National Park;
 - (g) the area zoned as sensitive in the Southern Great Lake National Park.
- (2) Any fishing carried out pursuant to paragraph (1) shall be in accordance with the Fisheries Resources (Jurisdiction and Conservation) Act (Ch. 244).
- (3) Notwithstanding that a person may be authorized to fish pursuant to paragraph (1), the following species are restricted in any area which is zoned for fishing
 - (a) all species of parrot fish;
 - (b) all species of sea urchins;
 - (c) all species of sea cucumber;
 - (d) chitons (commonly called curbs and limpets);
 - (e) all West Indian top shell (commonly known as whelks);
 - (f) all tidal zone molluscs;
 - (g) all species of sea horses;
 - (h) all species of octopus;
 - (i) sharks, rays and chimera.
- (4) No person shall spear-fish, net or trap in an area zoned for fishing within Moriah Harbor Cay Park.

25. Harvesting of land crabs in Crab Replenishment Park.

Subject to any restrictions which may be designated by the erection of a sign or notice by The Bahamas National Trust, a person may harvest land crabs in the Crab Replenishment Park.

26. Flights over certain parks.

Notwithstanding bylaw 20(1), no person shall, unless authorized, fly or hover over at a level of less than 3,000 feet —

- (a) the Andros West Side National Park; or
- (b) the Inagua National Park.

PART IV - MISCELLANEOUS

27. Authority of wardens.

- (1) A warden who reasonably suspects that any person has contravened any Bylaw may
 - (a) exercise such powers as are authorized under the Act; and
 - (b) require such person to leave the park.
- (2) Any person who fails to comply with an order of a warden commits an offence.

28. Obstruction and other offences.

- (1) Any person who
 - (a) obstructs, disturbs or harasses any person lawfully and reasonably using a park;
 - (b) wilfully resists or obstructs a warden in the exercise of his duties;
 - (c) fails to stop a vessel within a park or any vessel being pursued outside of the park boundaries when directed by a warden;
 - (d) refuses to give their name, address or registration particulars of the vessel when required to do so by any warden; or
 - (e) fails to pay admission or park user fees, commits an offence.
- (2) Any person who by any means of communication notifies, warns or advises any other person as to the presence of a warden or other peace officer or person called in to aid a warden, with intent —

- (a) to assist, aid or abet such other person in the commission of a breach of these Bylaws;
- (b) to avoid or escape apprehension for a breach thereof, commits an offence.

29. Service of written penalty notice.

- (1) Pursuant to section 25A of the Act, a warden who has reason to believe that a person has committed an offence under the Act or these Bylaws may serve the alleged offender with a written penalty notice in the Form shown in Part A of the *Third Schedule*.
- (2) The fixed penalties specified in the second column of Part B of the *Third Schedule* shall be payable in respect of the offences specified in the first column thereto.

30. Owner, master, etc. to ensure compliance with Bylaws.

- (1) Every owner, master or person in charge of a vessel or aircraft shall ensure that his crew members and passengers comply with the provisions of these Bylaws.
- (2) Where it comes to the knowledge of any owner, master or person in charge referred to in paragraph (1) that a passenger or member of his crew has contravened any provision of these Bylaws and the owner, master or person in charge fails to report the breach to the warden on duty, that person commits an offence.

31. Prohibition of constructing structure, etc. below high-watermark.

No owner of private land within the boundary of a park, shall —

- (a) construct or allow to be constructed any
 - (i) dock or other structure of any kind;
 - (ii) breakwater, sewerage outlet or overflow, below the high-water mark of the sea or draining or extending into the sea; or
- (b) dredge or allowed to be dredged, the adjacent seabed,

unless the owner has obtained the requisite permit under any other law and the permission of The Bahamas National Trust.

32. Minister may amend First Schedule.

The Minister may from time to time by order amend the *First Schedule*.

33.	Repeal of Land and Sea Parks Bylaws.
	The Land and Sea Parks Bylaws (S. I. No. 11 cf 1986) are hereby repealed.

FIRST SCHEDULE

(Bylaw 3)

NATIONAL PARKS

NAME OF PARK	LOCATION
Inagua National Park	Great Inagua
Union Creek Reserve	Great Inagua
Little Inagua National Park	Little Inagua
Peterson Cay National Park	Grand Bahama
Lucayan National Park	Grand Bahama
Rand Nature Centre	Grand Bahama
Pelican Cays Land and Sea Park	Abaco
Black Sound Cay National Reserve	Abaco
Tilloo Cay	Abaco
Fowl Cays National Park	Abaco
Abaco National Park	Abaco
Walker's Cay National Park	Abaco
Blue Holes National Park	Andros
Crab Replenishment Reserve	Andros
North Marine Park	Andros
South Marine Park	Andros
Andros West Side National Park	Andros
Marine Farm	Crooked Island
Hope Great House	Crooked Island
Moriah Harbour Cay National Park	Great Exuma
Exuma Cays Land & Sea Park	Exuma
Conception Island National Park	Conception Island
Bonefish Pond National Park	New Providence
Harrold & Wilson Ponds National Park	New Providence
The Retreat Garden	New Providence
Primeval Forest National Park	New Providence
Leon Levy Native Plant Preserve	Eleuthera
Graham's Harbour Iguana and Seabird National Park	San Salvador
West Coast Marine Park	San Salvador
Pigeon Creek & Snow Bay National Park	San Salvador
Southern Great Lake National Park	San Salvador
Green's Bay National Park	San Salvador

SECOND SCHEDULE

(Bylaw 23)

PART A

BAHAMAS NATIONAL TRUST APPLICATION FOR HUNTING IN A NATIONAL PARK

	Date:
1.	Full Name of Applicant :
2.	If a company, please indicate Business Licence No.:
3.	Date of Birth:Nationality:
4.	Gender: (M/F)
5.	Proof of Bahamian status (Passport, Permanent Resident, Work Permit, Non-Resident for 90 days):
5.	Permanent Street address of Applicant (or company):
7.	Occupation/business:
3.	P. O. Box: Telephone No.:
	E-mail address:
9.	Name and location of park area subject to hunting:

10.	Island:
11.	Game to be Hunted:
12.	Specify hunting and weapons to be used. If using a dog(s), please specify the breed and number of dogs being taken into the park.
	(Tick appropriate box): Shot gun/rifle [] Dog (Breed) [] No. of dogs Snare [] Hav-a-heart cage [] Not Applicable []
suppl	I certify that to the best of my knowledge and belief, that the information ied by me above is accurate and complete.
	ature of Applicant Date
	Official Use Only cation Review:
	Approved: [] Denied: []
	Signature of authorized Officer
	Date

PART B

(Bylaw 23(1)) FEES

		\$
Applicat	ion	25
Issuance	of licence	
Youth	(6-15)	50
Adult	(16-59)	150
Senior	(60 +)	100
Replacen	nent of licence	50
Hunting 1	method:	
Dog		25 (each)
Snare		15 (each)
Cage		20 (each)

PART C

(Bylaw 23(2)) BAHAMAS NATIONAL TRUST

HUNTING LICENCE IN A NATIONAL PARK

Hunting Licence No.:	
File Ref No.:	
Date:	

This hunting licence in national parks is hereby granted to: [state name of Applicant] of [address] in the Settlement of [state Settlement] on the island of [state Island] whose occupation is [state occupation] herein referred to as the Licensee, to carry out the following activity namely:

A hunting licence to kill or capture or to attempt to kill or capture any bird, in a park,

during the open season/and or wild boars as permitted:	
This Hunting Licence is valid for a herein.	period of one year commencing from the date
Conditions of Licence:	
	Executive Director
	Date

THIRD SCHEDULE

(Bylaw 29)

PART A

WRITTEN PENALTY NOTICE

(Pursuant to Section 25A of The Bahamas National Trust Act)

Notice Offering Waiver of Appearance before Magistrate and of no evidence of the commission of offence being available.

To: $(C_{J} fender)$
D.O.B(Day)/(Month/(Year) of
(Address) Tel. #
Driver's Licence/Passport No Date Issued Expired Date
Vehicle/Vessel Registration No
Year
Color Peculiarities
Registered Owner's Name
Take Notice that I,
Rank and Name of C_J ficer or Warden
have reason to believe that the offence of
has been committed by you on(Date and Time) at
(location cf c _s fence)
You may waive your obligation to appear before the Magistrate and have no conviction for the offence recorded if you sign this notice in the appropriate place below admitting guilt of the offence and returning the signed notice together with the fixed penalty of \$

this Officer or Warden, on behalf or, or to the clerk of Magistrate's
above sum in payment of the fixed above will result in your trial for strate's Court at in the 20 and for which trial you at that time.
Signature of Officer or Warden
the sum of \$
n an arrest warrant being
Signature of

PART B

(Bylaw 29(2))

FIXED PENALTY OFFENCES

OFFENCE	PENALTY \$
Unauthorized mining	1000
Removal of dead or living organism	1000
Illegal domesticated animals	500
Unauthorized harvest of flora or fauna	1000
Unauthorized improper use of vehicle, vessel, aircraft	500
Unauthorized erection of any structure	500
Illegal establishment of a marina or dock	5000
Illegal dumping of any substance	1000
Unauthorized use of fire, fireworks or weapons	1000
Unauthorized use of fishing apparatus	500
Unauthorized placement of show or exhibit	500
Unauthorized commercial film making	1000
Unauthorized posting or painting of notices on trees, fences, structures etc	500
Damaging, defacing or removing anything maintained by The Bahamas National Trust	1000
Any activity likely to destroy endanger or disturb wildlife	500
Obstruction of a warden or peace officer	1000

Made this 20^{th} day of June, 2022

Signed GEOFF ANDREWS PRESIDENT COUNCIL OF THE BAHAMAS NATIONAL TRUST