

VIRGIN ISLANDS
NATIONAL PARKS REGULATIONS, 2008

ARRANGEMENT OF REGULATIONS

Regulations

PART I

PRELIMINARY

1. Citation.
2. Interpretation.

PART II

GENERAL REGULATION OF PUBLIC USE OF PARKS

3. Signs and notices.
4. Oral directions.
5. Entry and use.
6. Use of vehicles, vessels and machines.
7. Camping.
8. Special use of parks.
9. Scientific research and collecting.
10. Filming and photography.
11. Picnicking.
12. Recreational and other activities.
13. Sale or distribution of printed matter.
14. Defacing or other damage to park facilities.
15. Abandoned property.
16. Offensive and disorderly conduct.
17. Personal injury or personal property damage.
18. Removal of persons from park

PART III

HISTORIC SHIPWRECKS

19. Interpretation.
20. Supervision of historic shipwreck property.
21. Requirement to apply for a licence.
22. Applications for licences.
23. Circumstances where no licence required.
24. Advice of Scientific Committee.
25. Primary scientific, environmental and public values protected.

26. Management of historic shipwrecks.
27. Licence for intensive survey of underwater sites.
28. Licence for data recovery.
29. Separate licence required for excavation.
30. Research plans.
31. Performance bonds and other assurances.
32. Additional considerations for issuing exclusive licences.
33. Delayed issuance of exclusive licence.
34. Information to be shown on licence.
35. Additional provisions applicable to licences.
36. Disposition of recovered property.
37. Confidentiality of site location.
38. Suspension or revocation of licences.
39. Duty to report articles on seabed.
40. Enforcement of licences.

PART IV

MARINE PARKS

41. Zones in marine parks.
42. Prohibited activities in marine parks.
43. Use of moorings.
44. Prohibitions on use of moorings.
45. Enforcement of moorings permits.
46. Operating and anchoring vessels.
47. Fishing.
48. Discharge of harmful substances or things near marine parks.

PART V

CONCESSIONS

49. Interpretation.
50. Purpose of this Part.
51. Policy underlying concessions.
52. Requirement of concession.
53. Solicitation of applications.
54. Application information required.
55. Evaluation and selection of application.
56. Awarding licences.
57. Charging visitors for services.
58. Rejection of application.
59. Giving notice of rejection to applicant.
60. Inspections.
61. Orders requiring remedial actions.

- 62. Displaying notice of valid concession.
- 63. Expiration of concession.
- 64. Suspension of revocation of concession.
- 65. Review of decisions.

PART VI

MISCELLANEOUS

- 66. Restoration and other costs.
- 67. Fixed penalties.
- 68. General authority to give or withhold consent.
- 69. Sale of things illegally taken from park.
- 70. General penalty.
- 71. Defences.
- 72. Subsequent offences.
- 73. Revocation.
- SCHEDULE 1
- SCHEDULE 2
- SCHEDULE 3
- SCHEDULE 4
- SCHEDULE 5

VIRGIN ISLANDS

STATUTORY INSTRUMENT 2008 NO. 27

**NATIONAL PARKS ACT, 2006
(No. 4 of 2006)**

National Parks Regulations, 2008

[Gazetted 22nd May, 2008]

The Minister, in exercise of the powers conferred by section 81 of the National Parks Act, 2006 (No. 4 of 2006), makes the following Regulations:

PART I

PRELIMINARY

- Citation. 1. These Regulations may be cited as the National Parks Regulations, 2008.
- Interpretation. 2. In these Regulations, unless the context otherwise requires,
- No. 4 of 2006 “Act” means the National Parks Act, 2006;
- “anchor” means a device attached by any means to a vessel and cast overboard to hold the vessel in a particular place in the water by means of a fluke, weight or any other object designed to dig into the seabed for that purpose, and "to anchor" shall be construed accordingly;
- “authorised officer” has the meaning assigned to it in section 56(1) of the Act;
- “camping” means the setting up of such tent or other temporary form of shelter, or the parking of such caravan, trailer or other vehicle, as may be used for the purpose of staying in a place overnight, whether or not the person setting up the shelter or parking the vehicle intends to stay in it overnight, and "to camp" shall be construed accordingly;
- “Director” means the Director of the National Parks Trust;
- “historic shipwreck property” means
- (a) any historic shipwreck or any historic shipwreck relic;
 - (b) any part of any historic shipwreck or historic shipwreck relic; or

- (c) any archaeological relic associated with or relating to any historic shipwreck or any historic shipwreck relic;

“marine park” means an area specified in Part A of Schedule 2 to the Act;

“moor”, in relation to a vessel, means to attach the vessel to a mooring by any means;

“mooring” means any post, stake, pile, float, pontoon or other object that is secured by any direct or indirect means to the seabed or placed on the seabed for the purpose of attaching a vessel to the seabed, other than a vessel's anchor that is pulled up to the vessel when not in use;

“park” means

- (a) an area specified in Part A or B of Schedule 2 to the Act,
- (b) an area administered by the Trust pursuant to a conservation agreement, a co-management agreement, a cooperative agreement or other written instrument,
- (c) an area for which the Trust is charged under the Act with specific responsibilities for management and sustainable use and any building or other property in such area for which the Trust is responsible,
- (d) historic shipwreck property for which the Trust is responsible,

and includes any part of a park and any building, mooring, facility or other property inside or outside a park which is administered by the Trust or for which the Trust is otherwise responsible in any way;

“park user” means

- (a) a person in a park or seeking to enter a park; or
- (b) a person who, in the course of a trade, business or other enterprise, provides transportation to, or tours of, a park;

“penalty notice” means a notice referred to in regulation 67;

“prescribed fee” means the fee prescribed under the Statutory Rates, Fees and Charges Act, 2005;

No. 28 of 2005

“Trust” means the National Parks Trust established under the Act;

“vehicle” means any motor vehicle, motor cycle, all terrain vehicle, aircraft, bicycle or any other human powered or mechanised vehicle used for transporting people or objects, or for performing mechanical tasks;

“vessel” means any ship, yacht, boat, surf board, boogie board, wind surfer, wave jumper, sail board, raft, kayak, canoe, dingy, jet ski, personal water craft or any other instrument capable of being used as a means of transport on, through or under water;

“territorial waters” has the meaning assigned to it by section 36(2) of the Act.

PART II

GENERAL REGULATION OF PUBLIC USE OF PARKS

Signs and notices.

3. (1) Subject to the provisions of the management plan for a park, the Trust through the Director may do any of the following by means of a sign or written notice displayed in or at the boundary of the park or by means of a written notice given by an authorised officer to park users:

- (a) specify the hours during which a park is open or closed to the public;
- (b) declare that a park is closed to the public for a specified period or indefinitely;
- (c) designate points of entry into, or points of exit from, a park;
- (d) designate areas within a park where driving or parking a vehicle is permitted;
- (e) designate areas or zones within a park where landing an aircraft, whether on land or on water, is permitted;
- (f) designate areas or zones within a park where anchoring, mooring, beaching or leaving a vessel is permitted;
- (g) designate areas within a park where camping is permitted, provided that no part of any such area or zone shall be within one hundred feet from a river or other internal body of water or from the mean high water mark of the sea;
- (h) designate areas within a park where picnicking is permitted;

- (i) designate areas or zones within a park where a specified recreational or sporting activity, including diving or cycling, is permitted;
- (j) designate zones within a marine park in accordance with regulation 41;
- (k) designate containers for the disposal of litter, garbage or other solid waste;
- (l) reserve a park for a particular use;
- (m) specify conditions for using a park or any designated area or zone within a park;
- (n) specify conditions for the carrying out of certain activities within a park, including the driving or parking of vehicles or the operating, mooring or anchoring of vessels;
- (o) control or prohibit the carrying out of any activity that might disturb or harm historic shipwreck property for which the Trust has responsibility;
- (p) grant any consent that may be required under the Act or these Regulations in relation to the use of a park;
- (q) inform park users of the location of various facilities within the park and of the statutory fees for entering or using a park.

(2) The Trust shall, as far as practicable, use the standard signage set out in Schedule 1 to guide park users.

Schedule 1

4. (1) Notwithstanding regulation 3, an authorised officer may issue to a park user, an oral direction

Oral directions.

- (a) to enter or exit the park at a particular point;
- (b) that an area is reserved for a particular use or for the sole use of particular persons or groups during a particular period;
- (c) with respect to the carrying out of any activity within a park, including the driving or parking of a vehicle, the landing of an aircraft, the operating, anchoring, mooring, beaching or other use of a vessel, the lighting of a fire, the

carrying out of any recreational or sporting activity, camping or picnicking;

- (d) giving special instructions in emergency situations to protect human safety or prevent damage to important natural or historic resources.

(2) A person who fails to comply with an oral direction issued to him under subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months, or both.

Entry and use.

5. (1) No person shall, without first obtaining the consent of an authorised officer,

- (a) enter a park that is closed to the public;
- (b) remain in a park after the time for closing has passed;
- (c) knowingly enter a park which is reserved for a particular purpose or group when he is not connected to the purpose or group for which or for whom the park is reserved; or
- (d) use a park contrary to any conditions specified for the use of the park.

(2) A person who contravenes subregulation (1) commits an offence, and is liable, on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months, or both.

(3) The prescribed fees shall be payable to the Trust in respect of entry into any of the following parks:

- (a) the Baths, Virgin Gorda;
- (b) Devil's Bay, Virgin Gorda;
- (c) Sage Mountain, Tortola;
- (d) J.R. O'Neal Botanic Gardens, Tortola.

(4) The Trust may require any person who claims to be deemed to belong to, or resident in, the Territory to provide proof of that fact for the purposes of determining the fee that that person is required to pay to enter a Park, and where a person fails to provide such proof, the Trust shall be entitled to treat the person as a person who is not deemed to belong to, or is not resident in, the Territory.

(5) A person who enters a park specified in subregulation (3) without paying the relevant fee commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months, or both.

6. (1) No person shall, without first obtaining the consent of an authorised officer,

Use of vehicles,
vessels and
machines.

- (a) drive a vehicle into a park;
- (b) operate a vehicle or vessel in a park;
- (c) park a vehicle in a park otherwise than in an area designated for such parking;
- (d) leave a vehicle in a park after the time that the park is closed to the public;
- (e) tie a vessel by any means to any vegetation in a park;
- (f) anchor, moor, beach or leave a vessel in a place that is not designated for the purpose under regulation 3 or 41;
- (g) land an aircraft in a place that is not designated for the purpose under regulation 3;
- (h) operate or use any heavy or noisy machinery in a park;
- (i) open, damage, shift, or destroy any gate, barrier or other obstruction that has been positioned to restrict or obstruct access by any vehicle or vessel to any road, track, trail, way or area in a park.

(2) No person who has obtained the consent of an authorised officer to drive or operate a vehicle or vessel in a park, shall

- (a) drive or operate the vehicle or vessel in any area within the park other than in such area as the authorised officer shall specify;
- (b) drive or operate the vehicle or vessel in the park in any manner other than in accordance with the speed limits and safety requirements established by the Trust for that park;
- (c) drive or operate the vehicle or vessel in a careless or reckless manner, or in a manner that is likely to create a

nuisance or to endanger the safety or comfort of other park users.

(3) A person who contravenes subregulation (1) or (2) commits an offence and is liable, on summary conviction, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year, or both.

Camping.

7. (1) Subject to subregulation (2), no person shall camp in a park other than

(a) Spring Bay, Virgin Gorda;

(b) Prickly Pear.

(2) No person shall camp in a park specified in subregulation (1) unless he has obtained a camping permit from the Trust.

Schedule 2

(3) An application for a camping permit shall be made to the Trust in the form set out as Form 1 in Schedule 2 and a camping permit shall be in the form set out as Form 2 in Schedule 2.

(4) The Trust may refuse to grant a person a camping permit where the granting of the camping permit would cause the total number of persons camping in the Park to exceed fifteen at any time.

(5) A camping permit may be subject to such terms and conditions as the Trust may impose and may be revoked by the Trust upon the breach of any such term or condition.

(6) Where an application for a camping permit is approved, the prescribed fee shall be paid to the Trust before the camping permit is granted.

(7) A person who contravenes subregulation (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding six months, or both.

(8) No person shall camp in a park

(a) for more than a continuous period of seven days; or

(b) outside of an area or zone designated under regulation 3 as an area or zone where camping is permitted.

(9) No person who camps in a park shall

(a) dig or level the ground, or in other way alter the site, where he is camping;

- (b) install permanent camping facilities; or
- (c) leave behind camping equipment or refuse after departing the campsite.

(10) A person who contravenes subregulation (8) or (9) commits an offence and is liable, on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months, or both.

8. (1) Subject to subregulation (2), no person shall use any part of a park, other than Special use of parks.

- (a) the J. R. O’Neal Botanic Gardens, Tortola, or
- (b) the Queen Elizabeth II National Park, Tortola,

for the purposes of a reception, concert, conference, seminar, workshop, fundraising event or any other event.

(2) No person shall use any part of a park specified in subregulation (1) for the purposes of a reception, concert, conference, seminar, workshop, fundraising event or any other community or commercial event, unless he has obtained a special use permit from the Trust.

(3) An application for a special use permit shall be made to the Trust in the form set out as Form 3 in Schedule 2 and a special use permit shall be in the form set out as Form 4 in Schedule 2. Schedule 2

(4) A special use permit shall only be granted for the purpose of authorising

- (a) the use of the hall or lawns of the J. R. O’Neal Botanic Gardens, Tortola, or
- (b) the exclusive use of any lawn at the Queen Elizabeth II National Park for any period between 8:00 a.m. and 5:30 p.m. on any day,

for the purposes of a reception, concert, conference, seminar, workshop, fundraising event or any other community or commercial event.

(5) A special use permit shall be subject to such terms and conditions as the Trust may impose and may be revoked by the Trust upon the breach of any such term or condition.

(6) Where an application for a special use permit is approved, the prescribed fee shall be paid to the Trust before the special use permit is granted, except that no fee shall be payable in respect of special use permit for an event hosted by a civic organisation to raise funds for a community development project.

(7) A person who contravenes subregulation (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding six months, or both.

(8) For the purposes of these Regulations,

“commercial event” means an event for which an entrance fee, other than a statutory fee, is charged;

“community event” means an event for which no entrance fee, other than a statutory fee, is charged.

Scientific
research and
collecting.

9. (1) No person shall do any of the following in a park unless he has obtained a scientific research and collecting permit from the Trust or unless he is a member of the staff of the Trust and is authorised by the Director to do so:

- (a) conduct scientific research or fieldwork;
- (b) collect specimens; or
- (c) carry out any other scientific activity that is likely to disturb the resources in or visitors to a park.

(2) An application for a scientific research and collecting permit shall be

Schedule 2

- (a) in the form set out as Form 5 in Schedule 2 and shall state whether the permit is required for commercial or non-commercial purposes;
- (b) submitted to the Trust at least ninety days before the date of the first proposed field activity;
- (c) accompanied by a research proposal which shall be subject to the approval of the Director; and
- (d) accompanied by the prescribed fee.

Schedule 2

(3) A scientific research and collecting permit shall be in the form set out as Form 6 in Schedule 2 and shall be issued to a successful applicant in such manner as the Trust thinks fit.

(4) A scientific research and collecting permit shall only be granted for the purpose of authorising scientific activities pertaining to the study of natural resources or social science that

- (a) are designed to increase understanding of the human and ecological processes and resources in parks; or
- (b) seek to use the unique values of parks to develop scientific understanding for the benefit of the public.

(5) A scientific research and collecting permit shall be subject to such terms and conditions as the Trust may impose and may be revoked by the Trust upon the breach of any such term or condition.

(6) Subject to subregulation (7), the Trust may refuse to grant a scientific research and collecting permit where

- (a) the proposed activity is not an activity referred to in subregulation (2);
- (b) the proposed activity would, in the opinion of the Trust, require the implementation of mitigating measures and the Trust is not satisfied that adequate mitigating measures can be implemented; or
- (c) without prejudice to paragraphs (a) and (b), the permit is required for commercial purposes and the Trust is of the opinion that the damage that is likely to be caused by the proposed activity surpasses any benefit that is likely to be derived from that activity.

(7) The Trust shall not refuse to grant a scientific research and collecting permit under subregulation (6)(b) unless it first works with the applicant with a view to arriving at a mutually acceptable research proposal.

(8) The Trust shall, in writing, notify an applicant for a scientific research and collecting permit of the approval or refusal of his application.

(9) A scientific research and collecting permit shall be valid for one year, but may be renewed by the Trust upon payment of the prescribed fee.

(10) Where the holder of a scientific research and collecting permit wishes to conduct activities that are not authorised by the permit, he may apply, in writing, to the Trust for the permit to be amended to include those activities and shall, upon submitting such application, pay the prescribed fee.

(11) Upon receiving an application under subregulation (10), the Trust may

- (a) include in the relevant permit the activities requested, subject to such terms and conditions as it thinks fit;
- (b) require the submission of a revised research proposal for the approval of the Trust; or
- (c) refuse to include in the relevant permit any activity requested on the grounds that the activity is one described in subregulation (6)(a) or (b).

(12) Where the Trust approves a revised research proposal submitted under subregulation (11)(b), the Trust shall revoke the permit that was issued on the basis of the previous research proposal and issue a new scientific research and collecting permit for the purposes of the revised research proposal.

(13) Within three months from the anniversary of the date of the issue or renewal of a scientific research and collecting permit, and within three months from the completion of the activities specified in that permit, the holder of the permit shall submit to the Trust a report in the form set out as Form 7 in Schedule 2.

(14) The Trust may refuse to consider any future application for a scientific research and collecting permit by a person who fails to comply with subregulation (13).

(15) A person who fails to submit the report referred to in subregulation (13) within six months from the anniversary of the date of the issue or renewal of a scientific research and collecting permit, or within six months from the completion of the activities specified in a scientific research and collecting permit, shall be liable to pay the Trust a penalty of five thousand dollars and the Trust may, in summary proceedings, recover such penalty as a civil debt.

(16) The Trust shall keep a record of all research proposals and reports submitted under this by-law and shall allow a member of the public, during normal working hours, to have access to and to make, upon payment of the prescribed fee, a copy of any such proposal or report.

(17) The holder of a scientific research and collecting permit shall give a copy of the permit to each person performing any function authorised by the permit and an authorised officer may prohibit any person from conducting any scientific activity in a park if the person fails to produce the copy of the permit when requested to do so by the authorised officer.

(18) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or imprisonment for a term not exceeding one year, or both.

10. (1) No person shall do any of the following in a park unless he has obtained a filming and photography permit from the Trust: Filming and photography.

- (a) take still photographs for the purposes of promoting fashion or any other product or service in a publication;
- (b) film or take still photographs for the purposes of a documentary film or the promotion of the Territory as a vacation destination or otherwise;
- (c) film or take still photographs for the purposes of a television commercial, music video or any other advertisement or video promoting or displaying an artistic performance or endeavour; or
- (d) film for the purposes of a feature film for television or cinema.

(2) An application for a filming and photography permit shall be made to the Trust in the form set out as Form 8 in Schedule 2 and a permit shall be in the form set out as Form 9 in Schedule 2. Schedule 2

(3) A filming and photography permit may be subject to such terms and conditions as the Trust may impose and may be revoked by the Trust upon the breach of any such term or condition.

(4) Subject to subregulation (5), the prescribed fee shall be payable to the Trust upon the granting of a filming and photography permit.

(5) The Trust may exempt a person from the prescribed fee where the British Virgin Islands Film Commission endorses his application for a filming and photography permit to film or take still photographs for the purposes of a documentary film or the promotion of the Territory as a vacation destination or otherwise.

(6) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding six months, or both.

11. (1) A person who carries on a picnic in any area where picnicking is not allowed, or in any manner that is not in accordance with the conditions for picnicking within a park, commits an offence and is liable on summary conviction Picnicking.

to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months, or both.

Recreational and other activities.

12. (1) No person shall, in any park, engage in any recreational or other special use activity that involves risking the safety of the person or the safety of other persons or damaging the physical or natural environment.

(2) No person shall in a park

- (a) conduct or take part in any sporting activity that forms part of an organised competition or tournament;
- (b) organise, attend or participate in any concert, public meeting, demonstration, conference, training maneuver, workshop, fund-raising event, or other similar group activity

(3) Subject to subregulation (4), a person who contravenes subregulation (1) or (2) commits an offence and is liable, on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months, or both.

(4) A person does not commit an offence under subregulation (3)

- (a) if the person undertakes the activity in accordance with a notice displayed in the park or in accordance with a notice or oral direction given by an authorised officer which permits the undertaking of the activity and it is carried out consistent with the notice or oral direction; or
- (b) where a special permit for the event has been issued by the Director under regulation 8.

Sale or distribution of printed matter.

13. (1) No person shall, without first obtaining the permission of the Director for the purpose, sell or distribute printed matter that is not solely commercial advertising inside a park.

(2) No person shall, without first obtaining the consent of an authorised officer, distribute flyers or other commercial advertising within a park.

(3) A person who contravenes subregulation (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months, or both.

14. (1) No person shall, in a park,

Defacing or
other damage to
park facilities.

- (a) willfully break any article of glass, china, pottery or plastic in a park;
- (b) write or paint or affix any notice or advertisement on, or otherwise deface by painting, carving, scratching or any other means any fixture, rock, tree, equipment, or relic in a park;
- (c) willfully mark, deface, or damage in any way, or remove or interfere with any mooring, buoy, marine park sign, notice or placard, post or other boundary marker, whether temporary or permanent;
- (d) destroy, damage, remove, move, manipulate, tamper or attempt to tamper with any natural or historical resources or physical structures inside a park;
- (e) use any spray cans of paint, or any bolt cutters, or other cutting equipment in a park.

(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year, or both.

15. (1) Subject to subregulation (2), no person shall deposit, leave or abandon any vehicle or any other property in any park for more than twenty-four hours, except in locations where longer time periods have been designated or in accordance with conditions established by the Director under regulation 3.

Abandoned
property.

(2) The Director may cause any vehicle or other property which has been left or abandoned within a park for more than twenty-four hours to be impounded for sixty days or until it is claimed by its owner, whichever is sooner.

(3) The Director shall cause to be published in a newspaper published and circulating in the Virgin Islands, a notice that the lost or abandoned property has been found, that the property may be claimed at a specified location and that the property may be disposed of if it is not claimed within sixty days.

(4) Where any property is impounded in accordance with subregulation (2), the Director shall not deliver the property to a person claiming to be its owner unless he is reasonably satisfied that the person is the owner of the property and the Trust recovers from the person its expenses relating to the removal and impounding of such property.

(5) Any person who finds any abandoned property of another person within a park may take the property to, or report the whereabouts of such property to, the nearest authorised officer.

(6) The Director may, at any time after holding impounded property for sixty days, dispose of the property in such manner as he thinks fit if the property is not delivered to a person claiming to be its owner within that period of sixty days.

Offensive and disorderly conduct.

16. (1) No person shall, in a park,

- (a) behave in a disorderly manner, or in a manner that creates a nuisance to other persons;
- (b) commit an act of indecency;
- (c) make or cause to be made any excessive noise through using a radio or other audio transmitting equipment, or through the operation of a vehicle, vessel, aircraft, or any other equipment;
- (d) engage in fighting with another person, or behave in a threatening or violent manner to another person;
- (e) use insulting or offensive language;
- (f) use any prohibited drug or alcohol; or
- (g) use a skateboard, roller skates, bicycle, scooter or other manually propelled instrument other than a wheelchair, in any area of the park which is specially designated for pedestrian use only.

(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding six months, or both.

Personal injury or personal property damage.

17. (1) If an incident occurs within a park which results in personal injury to a person, or damage to property, any person involved in the incident shall as soon as practicable report the incident to an authorised officer.

(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars and to imprisonment for a term not exceeding six months, or both.

- 18.** (1) An authorised officer may direct any person who, in his opinion,
- (a) is trespassing;
 - (b) is causing a nuisance to any other park user; or
 - (c) has or is about to commit an offence under the Act or these Regulations, or any other enactment,

Removal of persons from park

to leave a park, or any specific area of a park.

(2) A person who fails to comply with a direction issued in accordance with subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months, or both.

(3) An authorised officer may by use of reasonable force remove from a park or an area of a park, any person who fails to comply with a direction issued in accordance with subregulation (1), together with any property which the person possesses.

(4) Any person who was given a direction to leave a park or an area of a park, or who was removed from a park or an area of a park under this regulation shall not re-enter the park or the area of the park within a period of twenty-four hours after the direction or removal.

PART III

HISTORIC SHIPWRECKS

19. In this Part,

Interpretation.

“data collection” means the accumulation of data through collection of material associated with historic shipwreck property through methods that do not include excavation, but only involves collection of material already exposed or resting on, but not embedded in, submerged lands;

“data recovery” means a systematic study carried out in accordance with a research plan which may include data collection, excavation, and recovery of artifacts associated with historic shipwreck property;

“embedded” means firmly affixed to submerged lands or in coralline formations such that the use of tools of excavation is required in order to move the bottom sediments to gain access to the historic shipwreck property;

“excavation” means the process of moving, removing, or disturbing bottom sediments to expose a submerged historic shipwreck or historic shipwreck relic or any part thereof;

“primary scientific value” means any submerged historic shipwreck property which

- (a) yields or may yield information of great importance or significance to the Virgin Islands by its potential to provide valuable historic information, its physical condition, its educational or exhibit value, or its relationship to known historical records and future research needs, or
- (b) is included in, or has been determined, or may be eligible for inclusion in the protected areas system under the Act or in any register of historic shipwreck sites;

“Scientific Committee” means a scientific committee established by the Board under section 18 of the Act;

“submerged” means beneath or substantially beneath the territorial waters of the Virgin Islands or submerged at mean low tide.

Supervision of dealings with historic shipwreck property.

20. (1) Any survey, data recovery, collection, excavation or other investigations or dealings with historic shipwreck property of the Virgin Islands shall be conducted under the supervision of the Trust.

(3) In every case where the carrying out of an activity mentioned in subsection is to occur, such activity shall only be performed

- (a) in accordance with any licence issued by the Trust in accordance with this Part for such purpose; and
- (b) in a manner that will maximise the historic, archaeological, scientific and educational value of the information recovered and preserved for the people of the Virgin Islands.

Requirement to apply for a licence.

21. Written permission from the Trust under section 53 of the Act to remove, demolish, damage or excavate any historic shipwreck property shall be obtained by applying to the Trust for a licence under this Part.

Applications for licences.

22. Every application for a licence under this Part shall be

- (a) made in accordance with such form as the Director may approve;

- (b) accompanied by the prescribed fees; and
- (c) submitted to Trust.

(2) In addition to any other specific requirements required by the Trust in relation a particular application, any application for a licence shall include particulars on

- (a) the precise position or location of the project, including a map of sufficient detail to enable the location to be accurately depicted on a standard marine navigational chart;
- (b) the depth of the project location; and
- (c) in the case of a data recovery licence, the opinion of the applicant opinion on specific characteristics of the submerged property including, where available/applicable,
 - (i) size, age, type and identity of the property;
 - (ii) methods and materials of construction of the property; and
 - (iii) general condition of the property; and
- (d) any proposed research plan made in accordance with these Regulations.

23. (1) No licence is required when the Trust is conducting its own undertakings covered by this Part, and any such undertakings shall incorporate proper safeguards and other measures to ensure preservation of the historic shipwreck property for the benefit of the people of the Virgin Islands.

Circumstances where no licence required.

(2) A person may explore, photograph for personal use only, or otherwise enjoy a submerged historic property without being required to obtain a licence if the use or activity does not

- (a) involve disturbing, removal, excavation, or destruction of the historic shipwreck property or its immediate environment;
- (b) endanger other persons or property;
- (c) violate any special conditions associated with the use of the site as a protected zone or protected area; or

(d) contravene any other enactment.

Advice of
Scientific
Committee.

24. (1) In every case where an application for a licence under this Part is made to the Trust, the Trust shall first obtain the advice of the Scientific Committee on whether such licence should be issued and the terms and conditions of such licence.

(2) The Scientific Committee shall advise the Board and the Director on any matter arising on or relating to

- (a) the content of a research plan;
- (b) monitoring and compliance;
- (c) conservation measures for artifacts;
- (d) disposition of recovered property; or
- (e) the protection and preservation of historic shipwreck property within the Territory.

Primary
scientific,
environmental or
public values
protected.

25. (1) No licence for data recovery, excavation or disturbance of historic shipwreck property shall be issued by the Trust where, in the opinion of the Trust taking into account advice of the scientific committee, such undertaking would be detrimental to

- (a) the primary scientific value of the property on site; or
- (b) major archaeological, historic, recreational or other public values on site; or
- (c) major biodiversity or other natural environmental features or functions that are part of or are immediately adjacent to the site such that they would be negatively affected.

(2) If the Trust finds that the granting of a licence under this Part is in the best interest of the Virgin Islands, it may grant the licence pursuant to these Regulations and in furtherance of the purposes of the Act.

(3) The matters mentioned in subregulation (1) are among the considerations the Trust shall consider when determining whether the granting of a licence under this Part is in the best interest of the Virgin Islands as required by this Part.

26. In managing sites with historic shipwreck property, particularly those of primary scientific value, the Trust in consultation with the scientific committee and other appropriate public and private sector interests (including the Conservation and Fisheries Department, the Ports Authority, professional dive operators, sport divers, historic preservationists, and fishers) shall endeavor to develop marine parks or other protected areas and the administrative cooperation necessary for comprehensive management of such sites and preservation of their historic shipwreck property.

Management of historic shipwrecks.

27. (1) Subject to subregulation (2), the Trust may issue an intensive survey licence permitting an applicant to carry out an intensive survey in and around a specific location where it is believed that submerged historic shipwreck property may be recovered.

Licence for intensive survey of underwater sites.

(2) The Trust may issue a licence in accordance with subsection (1) if

- (a) it is satisfied that the issuing of such licence is in the best interest of the Virgin Islands; and
- (b) it approves the supporting research plan which shall be included in the application.

(3) A licence issued under this section shall in addition to any other conditions

- (a) refer to the specific area for which permission to survey is granted, such site being no larger than one square mile in area; and
- (b) stipulate that the licence shall be valid for a period of not more than 90 days.

(4) The Trust may extend a licence granted to an applicant under this regulation for a further period of up to 90 days only, where that applicant has submitted an application for an extension and has paid any additional prescribed fees.

28. (1) The Trust may issue an exclusive data recovery licence to an applicant to conduct data recovery on a specific submerged historic shipwreck site if the Trust determines that

Licence for data recovery

- (a) issuance of the licence is in the best interest of the Virgin Islands; and
- (b) the applicant has submitted an application that meets the standards required by the Trust.

(2) An application required under subsection (1) shall include the submission of positive results from an intensive survey licence previously issued by the Trust for the same location, including in such submission

- (a) documentary archival evidence and if no documentary evidence is found, a list of primary and secondary sources consulted;
- (b) electronic remote sensing data; or
- (c) other relevant specimen evidence recovered from a proven site.

(2) An applicant shall not be issued more than one licence at a time for a single historic shipwreck property unless the Trust determines that the applicant is capable of carrying out all proposed activities in a manner satisfactory to the Trust and that the licences may be properly supervised by the Trust.

(3) The Trust may issue a data recovery licence for an appropriate period not to exceed one year, and the licensee may request in writing renewal of the licence for the same additional period upon application and payment of the additional fee before expiration of the licence.

(4) In any area disturbed under a licence, the licensee shall contact the Trust when large artifacts or hull remains are involved that require special handling and care, and the Trust shall determine whether those items will be recovered and the method to be used.

Separate
licence required
for excavation.

29. (1) Where an applicant for a data recovery licence intends to do excavation or disturbance of the submerged historic shipwreck property in the course of data recovery, the applicant shall apply for a separate excavation licence at the time of application of the data recovery licence or as soon as it is known that excavation or disturbance is necessary as part of data recovery, and in no case shall a licensee for data recovery undertake excavation or disturbance of any historic shipwreck property without a separate excavation licence from the Trust.

(2) The Trust may issue an exclusive licence for excavation or disturbance of submerged historic shipwreck property if it determines that

- (a) issuance of the licence is in the best interest of the Virgin Islands; and
- (b) the applicant has completed an application which includes a research plan that meets the standards laid out in this Regulation and any other conditions that may be required and approved by the Trust.

30. A research plan required as part of the application for a licence under this Part shall be in such form as the Trust approves, and shall as a minimum and as applicable

Research plans.

- (a) conform to the best practice standards for professional underwater archeology, the professional qualifications required, techniques, and methodology for recovery and dissemination of data and the proper conservation of information and materials;
- (b) identify the project's goals and expected results;
- (c) detail proposed methods of inventory, recording, recovery, excavation, conservation, storage of recovered materials, documentation, and other treatment of recovered materials;
- (d) proposed starting date and length of time expected to be devoted to the work;
- (e) information about the personnel who will be performing the work, including the name and address of the applicant, name and address of the field archaeologist who will be immediately supervising the work and name and addresses of all persons who will participate in the work, their experience, training, and certifications in maritime archeology or related fields;
- (f) a listing of the proposed equipment to be used in the work or that will be available for use;
- (g) a copy of the applicant's most current financial statement and an explanation of the applicant's proposed resources financially to support the work.

31. (1) Where the applicant is seeking title to the property or a portion of the property, or is seeking to use the submerged property for commercial salvage or other income-producing purposes, the Trust may issue an exclusive licence to an applicant only if

Performance bonds and other assurances.

- (a) issuance of a licence is consistent with regulation 27, 28 or 29, as applicable; and
- (b) the applicant has provided the Trust with some form of assurance (in the form of escrowed funds, a letter of credit, a performance bond, or other type of assurance acceptable

to the Trust) that the project will be carried out and completed in accordance with the research plan approved by the Trust, the amount of assurance normally being a sum equal to at least one-third of the amount budgeted and approved by the Trust for undertaking the work authorised by the licence.

(2) The Trust may apply the requirements of subsection (1) to non-commercial applicants.

Additional considerations for issuing exclusive licences.

32. (1) The Trust shall consider at least the following criteria when determining whether to issue an exclusive licence:

- (a) the degree of archaeological, historical, and scientific importance and public educational potential of the proposed property site;
- (b) the date the application was received in order to give priority to the first applicant requesting a licence for a particular location;
- (c) the planning undertaken by the applicant including project readiness and financial feasibility and commitment to undertake and complete the work;
- (d) the degree of training and experience of the applicant and his personnel in the field of marine archeology and underwater recovery;
- (e) the extent to which the applicant possesses, or will possess at the beginning of the work, the necessary equipment to undertake the licence activity; and
- (f) the degree of public benefit to be derived from the issuance of the licence in relation to the degree of harm to the Virgin Islands' submerged historic shipwreck property to be expected from issuance of the licence.

(2) The Trust shall not issue an exclusive licence under this Part unless

- (a) the Trust has made a written determination that issuance of the licence is in the best interest of the Virgin Islands; and
- (b) the Trust has made a written determination that the applicant has submitted a complete application including a research plan, in form and content satisfactory to the Trust which satisfies all the requirements of this Part.

(3) Public notice of an application for an exclusive licence for data recovery or excavation shall be published in a newspaper published and circulating in the Virgin Islands, shall be posted in a prominent place at the Trust and may be circulated to other public agencies and departments as appropriate.

(4) The Trust may require a public hearing before a decision regarding the issuance of an exclusive licence, such hearing being held at a location designated by the Trust.

33. (1) The Trust may approve an exclusive licence application but delay issuance of the licence until the following conditions have been satisfied within a time period determined by the Trust:

Delayed issuance of exclusive licence.

- (a) the applicant has designated and, if required, placed into escrow the costs associated with the Trust's monitoring of the work undertaken, if monitoring is required by the Trust;
- (b) the applicant has identified and received the Trust's approval of the facility proposed to conduct conservation of any recovered artifacts needing stabilisation or special care;
- (c) in the case of a data recovery licence, the Trust and applicant have agreed upon all issues of disposition and title to submerged historic shipwreck property which may be recovered by the applicant;
- (d) the applicant has furnished the appropriate assurance acceptable to the Trust pursuant to regulation 31;
- (e) any other condition that the Trust considers necessary to protect the integrity of the submerged historic shipwreck property.

(2) If the Trust determines not to issue a licence, the Trust shall issue a written notice of denial.

(3) An applicant may request reconsideration of a denial by submitting a written request to the Trust which shall be received within thirty days following the date of the Trust's denial notice and such request shall address each reason for denial and provide supporting documentation for reconsideration.

34. Each licence issued by the Trust shall show on the licence at least the following information:

Information to be shown on licence.

- (a) duration of the licence;

- (b) clearly defined boundaries of the area in which work will be undertaken;
- (c) description of the scope of work to be undertaken and, for a data recovery licence, a description of the artifact materials expected to be recovered;
- (d) a list of the project supervisor and key personnel who will be conducting the work;
- (e) type of equipment that will be used; and
- (f) as applicable, a description of the expected types of activity which shall be undertaken by the licensee to restore the submerged lands following completion of the work authorised by the licence.

Additional provisions applicable to licences. Schedule 3

35. Additional provisions applicable to licences issued by the Trust under this Part are laid out in Schedule 3.

Disposition of recovered property.

36. (1) The Trust may enter into agreements with licensees for the disposition of recovered historic shipwreck property under licences issued pursuant to this Part.

(2) A disposition agreement made under this regulation may include division of the recovered property with the licensee and such division may be in value or in kind, with the Trust acting as arbiter of the division in the best interest of the Virgin Islands while giving due consideration to the fair treatment of the licensee.

(3) When determining the content and conditions of any disposition agreement, the Trust shall consult with the Minister and other Government bodies to ensure the best interest of the Virgin Islands is fully served.

(4) For a commercial applicant for a data recovery licence, the applicant if licensed may receive up to fifty percent of the artifacts recovered in value or in-kind.

Confidentiality of site location.

37. Any information in the custody of a public official concerning the location of historic shipwreck property, the preservation of which is in the interest of the Virgin Islands, shall remain confidential unless the Trust certifies in writing that the dissemination of such information will further the purpose of the Act and these regulations and will not create a risk of loss of historic or archaeological resources.

38. (1) The Trust may suspend operations under a licence at any time for just cause if it has reason to believe that the terms and provisions of a licence or other applicable law or regulation are being contravened, and within ten days of the suspension the Trust or its designee shall begin investigating the facts underlying the suspension and upon conclusion of this investigation shall issue a written determination recommending either restoration or revocation of the licence.

Suspension or revocation of licences.

(2) The Trust may revoke a licence if

- (a) the licensee fails to begin work under the terms of the licence within the first one-third of the period of the licence;
- (b) the licensee fails to work diligently toward completion of the project after it has been started or fails to maintain a presence on the site if weather permits;
- (c) the licensee knowingly makes or causes to be made a false statement or report that is material to an action taken by the Trust;
- (d) the licensee knowingly fails to comply with any provision of the licence;
- (e) the licensee contravenes these Regulations, the Act or any other relevant enactment;
- (f) the licence was issued based upon incorrect information; or
- (g) there is any other just cause.

(3) The licensee shall be given written notice of intent to revoke a licence with a brief statement of the reasons alleged and the licensee may request a hearing within thirty days of receiving notice by filing a written request with the Trust.

(4) Where the Trust's decision after the hearing is to revoke the licence, the person whose licence is being revoked may appeal to the Minister within thirty days of receiving notice by delivering a written statement to the Director containing

- (a) the person's name and address; and
- (b) particulars of the licence relevant to the appeal; and

(c) the grounds for the appeal.

(5) The Director shall as soon as practicable deliver the statement to the Minister and a copy thereof to the Board, and the decision of the Minister on the appeal is final.

Duty to report articles on seabed.

39. (1) In the course of undertaking other authorised governmental or commercial operations on the seabed in the territorial waters of the Virgin Islands, including dredging, installing moorings, jetties or docks, or mineral exploration, it is the responsibility of the person in charge to report to the Trust as soon as possible any surface or embedded manmade articles inadvertently dislodged or discovered, to save articles so discovered, and to request immediate advice from the Trust on whether such articles may be historical artifacts and what measures should be taken as part of its operation in order to ensure protection and preservation of such articles if there is a significant likelihood that they are historic shipwrecks artifacts.

(2) Upon receiving a report from an operator pursuant to subregulation (1), the Trust shall arrange as soon as possible to have an expert examine the articles so discovered and to advise the operator on measures to protect any artifacts that appear to be of national heritage value as historic shipwreck property.

Enforcement of licences.

40. (1) Any person who knowingly contravenes any condition or provision of a licence issued by the Trust under this Part, commits an offence and is liable, on summary conviction, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year, or both, and shall forfeit to the Government all specimens, objects, material, vehicles and equipment associated with the offence.

(2) The Trust or other public official is authorised to commence an action for a permanent or temporary restraining injunction for any contravention or threatened contravention of this Part, and it shall not be necessary to first revoke any licence prior to seeking injunctive relief.

(3) An action under subregulation (2) shall be brought in the Magistrate's Court which shall have jurisdiction to restrain the contravention, to order compliance and to make such other order as the Magistrate thinks fit.

PART IV

MARINE PROTECTED AREAS

Zones in marine parks.

41. (1) A marine park may be divided into zones for different public uses and for resource management needs and these zones shall be consistent with the

classification of the park under section 15 of the Act, and commonly will be delineated in the park's management plan as adopted pursuant to the Act.

(2) Zones in marine parks may include, but not be limited to, areas for

- (a) swimming, snorkeling or diving;
- (b) fishing;
- (c) mooring of boats;
- (d) anchorages for boats;
- (e) scientific research;
- (f) use by non-motorised craft;
- (g) strict nature protection;
- (h) environmental recovery or restoration;
- (i) special habitat or species management, including 'no-take' areas; or
- (j) other general or special purposes.

42. (1) No person shall, in a marine park,

Prohibited activities in marine parks.

- (a) moor, anchor or beach a vessel except in such areas designated for those purposes and in accordance to any terms and conditions that may be determined by the Trust or required under the management plan;
- (b) attach any rope, wire or other contrivance to any coral, rock or other formation, or any mangrove or other vegetation, whether temporary or permanent in nature;
- (c) damage, move, or break off any bottom formation or growth;
- (d) discharge of any ballast water, bilge water, sewage, garbage or other refuse from a vessel.

(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year.

Use of moorings.

43. (1) A person shall not moor a vessel at a mooring in the Virgin Islands for which the Trust has responsibility, except in accordance with a mooring permit issued by the Trust and the payment of the prescribed fees.

(2) A permit to use a mooring shall be subject to compliance with all provisions of the Act and these Regulations and such other terms and conditions as the Trust determines necessary to ensure the proper use and care of the mooring and protection of parks and other resources.

(3) A person who contravenes subregulation (1) commits an offence and is liable, on summary conviction, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year.

Prohibitions on use of moorings.

44. (1) No person shall, when using any mooring in the Virgin Islands for which the Trust has responsibility,

- (a) secure more than one vessel to a mooring (whether or not secured directly to the mooring or to another vessel secured to the mooring);
- (b) fish from a vessel secured to the mooring;
- (c) moor a vessel overnight;
- (d) use the mooring during the day longer than posted time limits allow, where applicable;
- (e) moor the vessel other than in accordance with proper use of the mooring;
- (f) carry out any activity at the mooring that could damage the mooring, endanger the health and safety of divers and snorkellers using such area, or result in damage or destruction of any wildlife, natural resource, or historic artifact.

(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year.

Enforcement of moorings permits.

45. (1) An authorised officer may direct a person to remove a vessel from a mooring if the vessel is moored without a permit or in contravention of the Act, these Regulations or the terms and conditions of the permit.

(2) A person shall not falsely represent (by display of numbers or names, or production of documents or otherwise) that the person is authorised to moor a vessel at a mooring for which the Trust has responsibility.

46. (1) A person in charge of the vessel shall, when approaching a marine park, the shoreline of a terrestrial park, or operating in an area of a park where vessels are allowed, at all times use safe boating practices, including respecting posted speed limits and take special measures where necessary under severe weather conditions to ensure control of the vessel and its safe operation.

Operating and anchoring vessels.

(2) A person in charge of a vessel within two hundred and fifty yards of a mooring buoy or anchorage in a marine park shall not exceed a speed of five knots per hour.

(3) A person shall anchor a vessel only where anchoring is permitted.

(4) A person shall not anchor a vessel less than one hundred yards from a mooring or in any manner that breaches safe anchoring practices for the vessel or any other conditions applicable to the vessel.

(5) A person in charge of a vessel shall, while anchored or moored near or in a marine park, make use of holding tanks for sewage.

(6) A person who contravenes any provision of this regulation commits an offence and is liable, on summary conviction, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year, or both.

47. (1) Except as provided in subregulation (2), no person shall fish in a park.

Fishing.

(2) The Trust may designate, from time to time, a specific area or zone of water within a park where fishing may be allowed for a specified period and subject to conditions relating to the kind and quantity of fish that may be caught and the type of fishing equipment and other devices which may be used, and the Trust may terminate the designation and close the area to fishing whenever, in its judgment, closure is necessary to protect or restore the fishery or the natural ecology and natural functions of the area.

(3) Any designated fishing areas or zones under subregulation (2) shall be consistent with the management plan for the park and any relevant species management plans, and any permitted fishing activities shall be in compliance with the Fisheries Act, 1997, and Fisheries Regulations, 2003.

(4) No person shall feed fish in a marine park.

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

(6) A person who contravenes subregulation (1), (4) or (5) commits an offence and is liable, on summary conviction, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year.

Discharge of harmful substances or things near marine parks.

48. (1) No person shall in any waters adjacent to or otherwise outside a park where such activity may be reasonably expected to negatively impact and cause harm to a park,

- (a) discharge or dispose of any oil, petroleum products, oily liquids, acids, chemicals, or hazardous or other noxious substances harmful to the environment and plant or animal life, or any cargo or equipment that contains such substances;
- (b) discharge any cargo, equipment or other things which could be carried by currents into park waters and damage park resources;
- (c) discharge from a ship any of its ballast water or the sediments of its ballast water;
- (d) discharge any substance or undertake any other activity which could cause the introduction of alien invasive species into a park, including the introduction into waters of or near a park any harmful aquatic organisms and pathogens.

(2) In this section,

- (a) “ballast water” means water with its suspended matter taken on board a ship to control trim, list, draught, stability or stresses of the ship;
- (b) “harmful aquatic organisms and pathogens” means aquatic organisms or pathogens which, if introduced into the sea including estuaries, or into fresh water courses, may create harm to the natural resources of the park, impair biological diversity, or interfere with other legitimate uses of the park;
- (c) “hazardous or other noxious substance” means any substance other than oil which, if introduced into the marine environment is likely to create hazards to human health, to harm living resources and marine life, to damage

amenities or to interfere with other legitimate uses of the sea;

- (d) “discharge”, in relation to harmful substances or things, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying.

(3) The Trust, working with other appropriate agencies responsible for disaster management in the Territory, shall take all possible steps to implement relevant protocols and additional measures that may be needed to minimise damage from such discharge within the park, assess and address clean-up, estimate costs of restoration of any damage to park resources, and pursue recovery of costs from the responsible party.

PART V

CONCESSIONS

49. For purposes of this Part,

Interpretation.

“business” means any trade, industry, employment, occupation, activity or special carried on in a park for profit, gain, fund-raising or commercial promotion and includes such undertakings by charitable or other non-profit organisations; selling or hiring, attempting to sell or hire, expose for sale or hire, or solicit for sale or hire any article, thing or service to any person; and displaying, posting, or distributing commercial notices, advertisements, or handbills;

“concessioner” means a commercial business operated on a regular basis in a park, whether the business is based within or outside the park, and authorised to offer visitor services in the park, and such businesses may include (but are not limited to) retail shops, restaurants, snack bars, rentals, vendors operating from a cart or other conveyance, tours and interpretative services, parking, telephones, vending machines, overnight accommodations, marina operations, moorings, charterboat companies, dive operations, cruise ships, and transportation services;

“concession licence” means a binding written agreement between the Director and a person authorising provision of visitor services in accordance with these Regulations and the Act, and with such other enactments that may apply;

“exclusive concession” means a concession providing exclusive rights to operate in a park;

“non-exclusive concession” means a concession permitted to operate in a park but not given exclusive rights to that activity;

“person” means an individual, corporation or other legally recognised entity, or their agent authorised in writing to act on their behalf;

“visitor services” means accommodations, facilities, tour operator services, and other services determined by the Director to be necessary and appropriate for public use and enjoyment of a park area that are provided to park visitors based on a fee or charge to the visitor, and may include lodging, campgrounds, food service, merchandising, tours, recreational activities, guiding, transportation and equipment rental.

Purpose of this Part.

50. (1) The main purpose of this Part is to provide for the application, solicitation, award and administration of concessions authorising persons to provide visitor services on a commercial basis in park areas.

(2) All concessions related to provision of commercial visitor services in a park shall be consistent with the provisions of this Part.

Policy underlying concessions.

51. (1) Visitor services in park areas shall be provided only under carefully regulated conditions so as not to threaten public safety or damage park values and resources.

(2) Visitor services in a park shall be limited to

- (a) locations and services that are consistent with the management plan of the park and the conservation and maintenance of the natural and historic values and resources of the park; and
- (b) only those services that are necessary and appropriate for the public use and enjoyment of the park area in which they are located.

Requirement of licence.

52. (1) No person shall carry on or attempt to carry on any business in a park unless that person is the holder of a licence authorising such business or an employee of a holder of such a licence.

(2) Any person who wishes to carry on a business in a park shall apply to the Director for a concession licence in accordance with this Part.

Solicitation of applications.

53. (1) Except as provided in subregulations (3) and (4), the Director shall issue all concession licences for visitor services, through public solicitations published in a newspaper published and circulating in the Virgin Islands.

(2) The Director shall, by public notice published in a newspaper published and circulating in the Virgin Islands, inform the public about any concessions to be awarded to persons for the provision of visitor services in a park and invite interested persons to submit applications for any such concessions, and this notice shall describe the type of visitor service that will be authorised by concession licence, the terms and conditions of each concession including any operating fees, the procedures that will be followed in granting the concession, the time period within which applications will be accepted, and basic requirements that a successful applicant will be expected to have to be awarded the concession.

(3) The Director may award, non-competitively, an extension of an existing concession licence to the current concessioner for additional terms not to exceed three years in total if the Director determines, after taking all reasonable steps to consider alternatives to such an extension, that the extension is necessary to avoid interruption of visitor services.

(4) The Director may award a temporary concession licence, non-competitively, for consecutive terms not to exceed three years in total to any qualified person for provision of particular visitor services in a park area if the Director determines that the award is necessary to avoid interruption of visitor services.

54. (1) Any person wishing to apply to the Director for a concession to provide a visitor service in relation to a park shall provide the following information:

Application information required.

- (a) the name, address and telephone number of the applicant;
- (b) a description of the types of visitor services the applicant proposes to offer to visitors;
- (c) a description of the types of equipment that the applicant proposes to use in the business;
- (d) the address, if any, or the description of the area in the park in which the application proposes to carry on the business, along with a map of the park identifying the area proposed;
- (e) a copy of any documentation relevant to the applicant's ability to carry on the business, and in the case of a guide or dive business a summary of the education, skills and experience that qualify the applicant and each of the employees to carry on the business safely;
- (f) the terms and conditions of any current concession licence relating to the visitor services to be provided by the

business including all fees and other forms of compensation provided to the Director under such a licence;

- (g) proof that the business is in good standing with the Government of the Virgin Islands with all taxes and required licences, which may be provided by a “certificate of good standing from Government” and other relevant documents, as may be requested by the Director, including valid licences under other trade laws, health and safety certificates, business insurance, food licence, and licence for handling boats or other vehicles that are part of the concession.

(2) An application shall be accompanied by the appropriate prescribed fee for the visitor service involved.

Evaluation and selection of application.

55. (1) The Director shall assess each timely application for a concession to provide a particular visitor service based on the following main factors:

- (a) the responsiveness and quality of the application for providing the particular visitor service at reasonable rates;
- (b) the responsiveness and quality of the application for protecting and conserving natural and historic resources and values of the park area;
- (c) the experience and related background of the applicant, including past performance and expertise in providing the same or similar visitor services as those to be provided by the concession;
- (d) the financial capability of the applicant to carry out the concession;
- (e) the amount of proposed operating fee, if any, and any other financial considerations.

Awarding licences.

56. (1) The Director may, on receipt of an application pursuant to this Part, and having regard to the matters listed under subregulation (2), award a concession licence to that person to carry on the business indicated in the application and subject to such terms and conditions as the Director may determine necessary and appropriate.

(2) In determining whether to issue a concession licence and under what terms and conditions, the Director shall ensure that the visitor service

- (a) is consistent with the management plan for the park area in which the business will be located and the preservation, control and management of the park;
- (b) does not damage or threaten to damage the natural and historic values and resources of the park;
- (c) will operate in a manner that preserves the healthy and safe conditions of the park for the public.

(3) The Director shall set out as terms and conditions in a licence

- (a) the type of visitor service that will be offered by the business and as relevant the hours of operation, type of equipment to be used, and whether the concession will have exclusive or non-exclusive rights to offer such service;
- (b) the address, if any, or the description of the area in the park in which the business is to be carried on, along with a map of the park identifying the area;
- (c) the period of time for which the licence is issued, generally for not more than ten years unless the Director determines that the terms and conditions warrant a longer term up to but not longer than twenty years;
- (d) any required construction of capital improvements;
- (e) the financial requirements under the licence, including the provision for payment to the Trust of an operating fee or other monetary consideration as determined by the Director upon consideration of the probable value to the concession granted by the licence;
- (f) if the licence is for more than five years, a provision allowing for review and possible operating fee adjustment at the request of the business or on initiation of the Director on grounds of unanticipated changes after the effective date of the licence affecting the probable value of the licence;
- (g) requirements for public health, safety, fire prevention and environmental protection; and
- (h) any other matter that is necessary for the preservation, control, and management of the park.

Charging visitors for services.

57. (1) Concession licences shall permit the concessioner to set reasonable and appropriate rates and charges for visitor services, subject to approval of the Director.

(2) Unless otherwise provided in the concession licence, the reasonableness of a concessioner's rates and charges will be determined primarily by comparison with those rates and charges for comparable visitor services elsewhere, taking into account any special operating factors that may apply inside the park including length of season, peak loads, availability and costs of labor and materials, and types of clientele.

Rejection of application.

58. The Director shall reject an application received for a concession if the Director makes any of the following determinations:

- (a) the applicant is not qualified;
- (b) the applicant is not likely to provide satisfactory service;
- (c) the application is not responsive to the objectives of the concession including protecting and conserving the resources of the park area and providing necessary and appropriate services to the public at reasonable rates.

Giving notice of rejection to applicant

59. If the Director rejects an application for a concession under this Part, the Director shall, as soon as possible after making the decision, provide written notice to the applicant of the decision, including reasons.

Inspections.

60. The concessioner shall permit the Director or other authorised officer to inspect, for the purpose of this Regulation, at any reasonable time, any premises or place used by the concessioner in carrying out the concession.

Orders requiring remedial actions.

61. The Director may, if any aspect of the concessioner's premise, vehicle, vessel, article or activity used in providing the visitor service in the park is not in a satisfactory condition or is in any way in contravention of other provisions of this Regulation, order the concessioner or his or her employee to put the premises, vehicle, article, or activity in proper condition or to otherwise comply with these Regulations, as applicable.

Displaying notice of valid licence.

62. The concessioner shall post a notice in a conspicuous place on the premises or at the place where the concessioner is carrying out the concession business that the business is operating under a valid concession licence and shall produce the licence on the request of the Director or other authorised officer during an inspection of those premises under regulation 60.

Expiration of
concession
licence.

- 63.** (1) A concession licence expires on the earliest of
- (a) the date of expiration as stated on the licence,
 - (b) the date of revocation, if any, of the licence, and
 - (c) the sale or other disposition of the business.
- (2) A concession licence is non-transferable.

Suspension of
revocation of
licence.

- 64.** (1) The Director may
- (a) suspend a concession licence where the concessioner fails to comply with the terms of this Regulation or the terms and conditions of the licence conferred under this Part; or
 - (b) reinstate a suspended licence when the failure that gave rise to the suspension has been remedied.
- (2) The Director may revoke a concession licence where
- (a) the concessioner is convicted of any contravention of these Regulations; or
 - (b) the licence has been suspended two times in the year in which it was issued.

(3) If the Director suspends or revokes a concession licence, the Director shall, as soon as possible after making the decision, provide written notice to the concessioner of the decision and including reasons.

Review of
decisions.

65. (1) A person who has been refused a licence in respect of an application submitted pursuant to this Part, or whose concession licence has been suspended or revoked by the Director under regulation 64, may request a review of the Director's decision by submitting a written request to the Minister within thirty days following receipt of the notice.

(2) Upon receipt of a written request for review, the Minister may, after consultation with the Director on reasons for the Director's decision, chose to review the decision or let it stand, as applicable, with regard to the decision's correctness and the reasons set out in the notice.

PART VI

MISCELLANEOUS

Restoration and other costs.

66. A person convicted of an offence under the Act or these Regulations shall, in addition to any other penalty for that offence, be liable to pay the cost of restoration and clean-up and such other costs as may be applicable.

Fixed penalties.
Schedule 4
Schedule 5

67. (1) An authorised officer may serve on a person who commits in a park an offence under the Act or these Regulations as is described in Column 1 of Schedule 4, a penalty notice in the form set out in Schedule 5 offering the person an opportunity through the payment, within fourteen days, of the fixed penalty specified for that offence in Column 2 of Schedule 4 to discharge any liability that would arise out of a conviction by court for that offence, and the person shall, upon payment of the fixed penalty within the fourteen day period be exempted from prosecution for that offence and such payment shall have the same effect as a court judgment.

(2) A person who has been served three penalty notices in one calendar year shall be required to appear before the court for subsequent offences under the Act or these Regulations.

(3) A person who has been served two penalty notices for the same offence shall be required to appear before the court for any subsequent commission of the same offence.

General authority to give or withhold consent.

68. For any activity covered by these Regulations that requires consent of an authorised officer, the authorised officer may give consent only where the activity is consistent with the management plan for the park or part of the park involved, and even if the activity is consistent with the management plan, an authorised officer may withhold consent and prohibit the activity by notice erected in the park or by giving direction to the person seeking consent where the authorised officer determines that the activity involves safety risk or risk of damaging the environment.

Sale of things illegally taken from park.

69. (1) No person shall knowingly use, sell or otherwise dispose of any wildlife, seaweed, coral, mineral, gravel, sand or other substance or thing, that has been stolen or unlawfully removed from a park.

(2) A person who contravenes subregulation (1) commits an offence and is liable, on summary conviction, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year, or both.

General penalty.

70. Where no other penalty is provided for an offence under these Regulation, a fine not exceeding ten thousand dollars may be imposed or a term

of imprisonment not exceeding one year or both, plus costs of clean-up or restoration for any damage done to park resources.

71. A person does not commit an offence under this Regulation for anything done or omitted Defences.

(a) by a member of staff or an authorised officer in the exercise of his or her employment or

(b) under the direction of an authorised officer.

72. (1) A person who commits a second or subsequent offence against the Act or these Regulation may be excluded from a park by the Director for such period of time as the Director determines appropriate and necessary for the security of park resources. Subsequent offences.

(2) A person who has been excluded from a park under this section shall not re-enter the park before the period of exclusion ends.





73. The Marine Parks and Protected Areas Regulations, 1991 and the National Parks (Fees and Permits) By-laws, 2004 are revoked. Revocation.
S.I. 1991 No. 21
S.I. 2004 No. 17

SCHEDULE 1




[Regulation 3(2)]

PARK SIGNAGE

The signs pictured below provide general information and regulatory guidance in park areas. Certain of the signs designate activities that are either allowed or prohibited. Activities symbolised by a sign bearing a slash mark are prohibited. The use of other types of signs not herein depicted is not precluded.

 <p>FIRST AID STATION</p>	 <p>VISITOR INFORMATION.</p>
 <p>RANGER STATION OR ADMINISTRATIVE OFFICE.</p>	 <p>AREA WHERE PETS UNDER PHYSICAL CONTROL PERMITTED</p>
 <p>ROAD CROSSING PERMITTED.*</p>	 <p>PUBLIC TELEPHONE</p>

 RESTAURANT, CAFETERIA, SNACK SHOP, LUNCHROOM	 FACILITY FOR THE PHYSICALLY HANDICAPPED
 MEN'S RESTROOM	 WOMEN'S RESTROOM
 RESTROOMS FOR BOTH MEN AND WOMEN	 LOCKED STORAGE
 PLAYGROUND FOR CHILDREN.	 SHOWER FACILITY.
 BUS OR TOUR VEHICLE STOP	 AREA OF FALLING ROCKS.
 HIKING TRAIL.	 INTERPRETIVE TRAIL.
 TRAIL SHELTER, PROVIDING SOME PROTECTION FROM THE WEATHER.	 PICNIC SHELTER.
 OBSERVATION POINT FROM WHICH SCENIC AND HISTORIC AREAS CAN BE SEEN OR PHOTOGRAPHED	 AREA WHERE PARKING OF MOTOR VEHICLES PERMITTED.*
 AREA WHERE PUBLIC CAMPING PERMITTED.*	 AREA WHERE PICNICKING PERMITTED.*
 AREA WHERE SCUBA DIVING PERMITTED.*	 AREA WHERE SWIMMING PERMITTED.*
 AREA WHERE SAILBOATS ARE PERMITTED.*	 AREA WHERE DIVING PERMITTED.*
 FISHING PERMITTED.*	 TRAIL OR AREA WHERE HORSE RIDING PERMITTED.*
 AMPHITHEATER, CAMP-FIRE CIRCLE OR OTHER ASSEMBLY POINT WHERE PROGRAMS ARE PRESENTED.	 TRAIL OR ROAD WHERE BICYCLES PERMITTED.*

	<p>AREA WHERE MOTOR-BOATS AND MOTOR VESSELS PERMITTED.*</p>		<p>WATER RECREATION AREA, OR BOAT DOCK, HARBOR, BOAT SLIPS, OR BOAT MARINA.</p>
	<p>*THE ABOVE SYMBOLS INDICATED BY ASTERISKS WHEN DISPLAYED WITH A RED SLASH SUPERIMPOSED OVER THE</p>	<p>SYMBOL INDICATES THE ACTIVITY IS PROHIBITED. THE DESIGN AND FORM OF SUCH A SLASH IS HERE PICTURED.</p>	

SCHEDULE 2

[Regulations 7 to 10]

FORMS

FORM 1

National Parks Camping Permit – Application Form		
Date	(Day/Month/Year)	
Name of Applicant		
Name of Group, Company or Civic Organisation		
Telephone Number	Work	Home
Postal Address:		
Camp Details		
Name of National Park requested for use		
Duration of Camp	From (Day/Month/Year) a.m./p.m. at a.m./p.m.	at To (Day/Month/Year)
Number of Campers		
I certify that the information provided above is accurate.		
Applicant's Signature		
For Official Use Only:		
Application approved / denied.		
Date	Signature	
If application approved, amount paid		
Received by		
Date	Signature	

FORM 2

NATIONAL PARKS CAMPING PERMIT

Permission is hereby granted to
(Name of Group, Company or Civic Organisation)

to camp at from the day
(Name of Park)

of, 20..... at a.m./p.m. to the day of
....., 20..... at a.m./p.m., subject to the following
terms and conditions:

Terms and Conditions

1. The number of campers shall not exceed
- 2.
- 3.

Granted by the National Parks Trust this day of, 20.....

.....
Director, National Parks Trust

FORM 3

National Parks Special Use Permit – Application Form					
Date		<i>(Day/Month/Year)</i>			
Applicant Name:					
Name of Company or Civic Organisation:					
Telephone Number		Work		Home	
Postal Address:					
Event Details					
Name of National Park requested for use:					
Event Date		<i>(Day/Month/Year)</i>			
Event Time		From	a.m./p.m.	to	a.m./p.m.
Event Type <i>(Please circle one)</i>					
<input type="checkbox"/> Fundraising		<input type="checkbox"/> Workshop		<input type="checkbox"/> Meeting	
<input type="checkbox"/> Children's Party		<input type="checkbox"/> Wedding		<input type="checkbox"/> Cocktail Reception	
		<input type="checkbox"/> Other (Specify):		<input type="checkbox"/> Concert	
Number of Participants / Guests					
Special Requirements					
If the Joseph Reynold O'Neal Botanic Gardens is requested, what facilities are required? <i>(Please choose one)</i>					
<input type="checkbox"/> Fishlock Hall		<input type="checkbox"/> Lawns		<input type="checkbox"/> Hall & Lawns	
				<input type="checkbox"/> Other	
<i>I certify that the information provided above is accurate.</i>					
Applicant's Signature					
For Official Use Only:					
Application approved / denied.					
Date			Signature		
If application approved, amount paid					
Received by					
Date			Signature		

FORM 4

NATIONAL PARKS SPECIAL USE PERMIT

Permission is hereby granted to
(Name of Group, Company or Civic Organisation)

to use
(Description of Facilities and Name of Park)

from the day of, 20..... at a.m./p.m. to the
..... day of, 20..... at a.m./p.m.,

subject to the following terms and conditions:

Terms and Conditions

- 1.
- 2.
- 3.

Granted by the National Parks Trust this day of, 20.....

.....
Director, National Parks Trust

FORM 5

National Parks Scientific Research and Collecting Permit – Application Form

Name of the National Park(s) at which investigation will take place:			
Select one of the following:	<input type="checkbox"/> New Application	Please enter numbers for permit renewal or modification requests:	
	<input type="checkbox"/> Renewal of a previously issued permit	Previously assigned NPT study number:	
	<input type="checkbox"/> Modification of a previously issued permit	Previously assigned NPT permit number:	
Name of principal investigator (last, first):		Office Phone Number:	
		Alternative Number:	
		Fax Number:	
Name of institution represented		Office e-mail address of principal investigator	
Additional investigators (last, first, office phone, office e-mail)			
Project title (maximum 300 characters)			
Purpose of study (maximum 4000 characters)			
Proposed starting date (day/month/year)		Proposed ending date (day/month/year)	
Will members of the public be asked to participate in a survey as part of this proposed study? (Yes or No)			
Do you anticipate receiving funding assistance from any donor agency or academic institution for this study? (Yes or No) If "Yes", specify the agency(s):			
Where will the data reside upon completion of this project?			
Location(s) where activities will take place within the National Park(s) listed above:			
Methods of access (vehicles, aircraft, boat, foot, etc.):			
Would you like to collect specimens or materials? (Yes or No). If you respond Yes, please complete Page 2 of this application			
A research proposal on paper or electronic form, shall accompany this application.			
I certify that this application is accurate and complete. I authorise the National Parks Trust to seek peer reviews of my proposal.			
Signature of principal investigator:			
Date:			
For National Parks Trust use only:	Date received	Assigned study number	Assigned permit number

(This form continues on next page)

PAGE 2: COLLECTIONS

(Complete this section if you would like to collect specimens or materials)

Scientific description of specimens or materials to be collected (include taxonomic group or name, or type of material; sample size, quantity, frequency and location):

If you propose that specimens or materials are to be retained permanently, they will become part of National Parks Trust collection. You may request that they be loaned to or otherwise deposited with a non-NPT institution.

Proposed repository or specimens:

- National Parks Trust
- Other institution (if selected, you shall complete the box below)
- Will be destroyed through analysis or discarded after analysis

Proposed Repository for Collections

(Complete this section only if you checked "Other institution" in the box above)

Non-NPT institution where specimens or materials are proposed to be deposited:

Organisation Information

Institution: _____

Address: _____

Phone #: _____

Fax #: _____

E-Mail:

This organisation concurs with the proposal that collected specimens or materials be loaned or deposited to this institution subject to any loan agreement with the National Parks Trust.

(Signature of responsible official at
custodial institution)

Date

(Name of responsible official –
please print)

(Title of responsible official –
please print)

FORM 6

**NATIONAL PARKS SCIENTIFIC RESEARCH
AND COLLECTING PERMIT**

Permission is hereby granted to

(Name of Principal Investigator / Institution)

to conduct scientific research and/or to collect specimens or materials at

.....

(Name of Park)

from the day of, 20.....

to the day of, 20....., subject to the

following terms and conditions:

Terms and Conditions

1.

2.

3.

Granted by the National Parks Trust this day of, 20.....

.....
Director, National Parks Trust

FORM 7

NATIONAL PARKS SCIENTIFIC RESEARCH AND COLLECTING REPORT

Please fill out this form and return it to the National Parks Trust Office. Please attach a more comprehensive report substantiating work undertaken and preliminary/final findings derived from the research project as an addendum.

All or some of the information provided may be available to the public

Reporting Year	Park(s) used for Research				
Principal Investigator Name (first, last) Dr. Ms. Mr. Mrs.				Office Phone	
Address				Office FAX	
				Office Email	
Additional investigators (first name, last name, phone, email)					
Project Title (maximum 300 characters)					
Park-assigned Study #		Park-assigned Permit #		Permit Start Date	Permit Expiration Date
Study Starting Date				Estimated Study Ending Date	
Study Status (<i>circle one</i>): Completed Continuing Suspended Terminated before completed					
Activity Type	Research	Inventory	Monitoring	Education	Other
<i>(circle one):</i>					
Subject/Discipline	Ecology	Geo-Hazard	Hydrology	Recreation/ Aesthetics	Water Quality
<i>(circle one):</i>	Entomology	(Physical)Geo. Info.	(Surface)Ichthyology	Restoration – Cultural	Water Quantity
	Environmental	System (GIS)	Integrated Pest Mgmt.	Restoration – Natural	Watershed Mgt.
Agriculture	Monitoring	Geochemistry	Invertebrates	Sedimentology/ Stratigraphy	Wetlands
Air Quality	Erosion/ Sedimentation	Geohydrology	Mammalogy	Social Science – Economics	Wildlife Management
Anthropol./Ethnography	Exotic Species –	Geology – Coastal	Management/ Administration	Social Science – Geography	Zoology
Archeology	Animals	Geology – Fluvial	Microbiology	Social Science – History	
Botany	Exotic Species- Plants	Geology – General	Minerals Management	Social Science – Sociology	Other
Cave (Flora/ Fauna)	Fire	Geology – Structural	Oceanography	Social Science – Other	
Cave/ Karst	Fisheries Management	Geomorphology	Ornithology	Soil Science	
Climatology	Flood Management./	Geophysics	Paleontology	Tectonics	
Coastal/ Marine Systems	History	Herpetology	Mineralogy Range	Threatened/ Endangered	
Contaminants/	Forestry	Hydrology (Ground)	Management	Animals	
Haz.aradous Mataterial	Fungi			Threatened/ Endangered	
	Geo-Hazard (Chemical)			Plants	
Objectives					
Findings and Status					
Reports Produced (Reference Title, Authors, Name of Publication, Abstract, Volume and Page Numbers, Year Published, Type of Reference, Keywords)					
For this study, were one or more specimens collected and removed from the park but not destroyed during analysis? (Y/N)					
If “Yes”, where are the specimens currently stored?					
Funding provided this reporting year by NPT (enter dollar amount)			Funding provided this reporting year by other sources (enter dollar amount)		
\$			\$		
List other Agencies supporting this study and funding each provided this reporting year:					

FORM 8

National Parks Filming and Photography Permit – Application Form

Name of Principal _____
Contact: _____
Name of Company _____
Mailing Address: _____

Telephone Number: _____
Fax Number: _____
E-Mail Address _____

Do you propose to film or photograph within a National Park? _____

If a National Park will be used for filming or photography, please briefly describe (50 words):

Please name National Parks Trust location(s) under which filming or photography may take place

What is the estimated duration of filming/photography at the Park? _____ Hours/Days
Please specify the time(s) of day when the park will be required _____
What is the number of people involved in the project? _____

Please select the most applicable category for which this application is made:

Type of Photography or Filming	
<input type="checkbox"/>	Catalogue Shoot
<input type="checkbox"/>	Documentary/Promotional Shoots or Films
<input type="checkbox"/>	Television Commercials and Music Videos
<input type="checkbox"/>	Television Movies and Feature Films

Applicant's Signature: _____
Date: _____
Director: _____
Date: _____

FORM 9

NATIONAL PARKS FILMING AND PHOTOGRAPHY PERMIT

Permission is hereby granted to
(Name of Person / Organisation)

to *(Strike out following paragraphs that do not apply)*

- (a) take still photographs for the purposes of promoting fashion or any other product or service in a publication;
- (b) film or take still photographs for the purposes of a documentary film or the promotion of the Territory as a vacation destination or otherwise;
- (c) film or take still photographs for the purposes of a television commercial, music video or any other advertisement or video promoting or displaying an artistic performance or endeavour;
- (d) film for the purposes of a feature film for television or cinema.

at from the day
(Name of Park)

of, 20..... to the day of,
20....., subject to the following terms and conditions:

Terms and Conditions

- 1.
- 2.
- 3.

Granted by the National Parks Trust this day of, 20.....

.....
Director, National Parks Trust

SCHEDULE 3

[Regulation 35]

ADDITIONAL PROVISIONS FOR LICENCES UNDER PART III - HISTORIC SHIPWRECKS

For each licence issued, the following provisions also apply:

- (1) The assignment of additional personnel or any change in the personnel from that identified in the application is subject to prior approval of the Trust to ensure that the overall qualifications of the licensee are consistent with those originally considered by the Trust in the issuance of the licence.
- (2) The Trust will have at least 21 business days to review the qualifications of proposed new personnel before approving their assignment. If the Trust fails to respond within the 21-day period the new personnel are considered approved.
- (3) At all times there shall be a person designated by and acting for the licensee aboard any vessel or present at any phase of the work carried out under the licence who is responsible for the work and the proper accounting of all artifacts located or recovered, and who shall be familiar with and responsible for compliance with the terms and requirements of the licence.
- (4) Changes in financial support or equipment for the project from that listed on the licence application shall be approved by the Trust.
- (5) If the Trust determines that a site warrants protection, the licensee is responsible for providing and maintaining security for the site.
- (6) The licensee is responsible for ensuring safety of workers at the site and showing proof of any insurance that may be required at the time of application.
- (7) During work carried out under a licence granted by the Trust, the applicant shall maintain logs of all activities related to the licence on standard forms prescribed by the Trust which shall be made available for inspection at any time, and such logs shall include:
 - (a) a day log;
 - (b) a survey log;
 - (c) a diving log;

- (d) a photographic log; and
 - (e) an artifact log, including a catalogue numbering system prescribed by the Trust.
- (8) The licensee may not use explosives, cutterhead dredges, draglines, clam dredges, airlifts, suction dredges, propwash deflectors, or other grossly destructive devices in any aspect of activities covered under the licence without the prior written consent of the Trust.
- (9) Large artifacts such as cannons, anchors, and hull remains that have not been specified for recovery in the licence may not be recovered unless the licensee has obtained specific written permission from the Trust.
- (10) Before a division of artifacts in accordance with the method established at issuance of the licence, the licensee may not:
- (a) devise, bequeath, transfer, convey, or dispose of by any manner an artifact recovered under the authority of a licence; or
 - (b) melt, render down, convey, or dispose of by any manner an artifact recovered under the authority of a licence.
- (11) The licensee is wholly responsible for transporting, storing, and stabilising all artifacts raised under the licence and for the costs associated with these activities, and for conserving all artifacts to which the licensee receives title in a division, and these arrangements shall be agreed upon before issuance of the licence and included in the research plan as relevant.
- (12) The licensee shall remove all waste, refuse, rubbish, or litter from the submerged lands caused by the licensed activity.
- (13) The licensee shall ensure that its operations are conducted in a manner so as not to impede navigation in existing navigation channels or to damage or destroy designated protected areas, other important natural areas, geologic formations, habitat areas or important biodiversity sites.
- (14) A representative of the Trust may examine all work done or being done under a licence and may at any time require the licensee to produce the licence and allow such examination.
- (15) Licensees shall maintain records and file reports of activities as the Trust specifies in the licence.
- (16) A licence, or any part of a licence, may not be assigned by the licensee to another person including a successor or interest of the licensee without the prior written consent of the Trust.

- (17) The licensee shall retain full responsibility for the operations conducted under a licence whether or not any of the work has been contracted or subcontracted.

SCHEDULE 4

[Regulation 67]

PENALTY NOTICE OFFENCES AND PENALTIES

Column 1 <u>Description of Offences</u>	Column 2 <u>Penalty \$</u>
Illegal entry into park (reg. 5)	\$250
Improper use of vehicle or vessel in park (reg. 6)	\$250
Taking a domestic animal inside a park (sec. 49)	\$250
Illegal camping (reg. 7)	\$250
Illegal picnicking (reg. 11)	\$250
Unauthorised distribution of printed matter (reg. 13)	\$250
Littering (sec. 49)	\$300
Offensive behavior (reg. 16)	\$250
Mooring without a permit inside park (reg. 43)	\$400
Improper use of a mooring (reg. 44)	\$400
Anchoring inside park where prohibited (reg. 46)	\$400

SCHEDULE 5

[Regulation 67]

[Penalty Notice No.____]

**VIRGIN ISLANDS
The National Parks Act, 2006
(No. 4 of 2006)**

PENALTY NOTICE

(Pursuant to regulation 67 of the National Parks Regulations, 2008)

Date: ____ (day), _____ (mo.), 20__ (year). Time: _____.

Place: _____ (name/description
of park or area).

Name of offender:

Address:

Committed the following offence (see back of notice for specific offence and relevant regulations):

Details (as applicable): Make/type/name/ registration no. of vessel or vehicle:

Mooring permit no. _____ ;

Name of rental or charter boat company for vehicle or vessel involved:
_____.

Other: _____.

Penalty of \$ _____ . Payment to be made within 14 days of this notice to the Clerk of the Magistrate’s Court, Payment may be made in person or by mail to Clerk of Magistrate’s Court, P.O. Box 140, Road Town, Tortola. Failure to do so will result in prosecution. A copy of this notice shall be presented when making payment.

You are hereby warned that if any offence(s) of a similar nature is reported against you, you will be considered for prosecution.

Signature and Identification No. of Park Warden/Authorised Officer

[Reverse side of penalty notice]

Penalty Notice Offences

<u>Column 1</u> <u>Description of Offences</u>	<u>Column 2</u> <u>Penalty \$</u>
Illegal entry into park (reg. 5)	\$250
Improper use of vehicle or vessel in park (reg. 6)	\$250
Taking a domestic animal inside a park (sec. 49)	\$250
Illegal camping (reg. 7)	\$250
Illegal picnicking (reg. 11)	\$250
Unauthorised distribution of printed matter (reg. 13)	\$250
Littering (sec. 49)	\$300
Offensive behavior (reg. 16)	\$250
Mooring without a permit inside park (reg. 43)	\$400
Improper use of a mooring (reg. 44)	\$400
Anchoring inside park where prohibited (reg. 46)	\$400

Made by the Minister this 1st day of May, 2008.

(Sgd.) OMAR HODGE,
Minister for Natural Resources and Labour.