

No. 1 of 1981

Protection of Endangered
Animals, Plants and Articles
(Removal and Possession)
Ordinance, 1981

VIRGIN ISLANDS



I Assent

Governor

20th March, 1981

VIRGIN ISLANDS

No. 1 of 1981

An Ordinance to restrict the possession or removal of certain Animals, Plants and Articles and for purposes connected therewith or incidental thereto.

Gazetted 26th March, 1981

ENACTED by the Legislature of the Virgin Islands.

Short title.

1. This Ordinance may be cited as the Protection of Endangered Animals, Plants and Articles (Removal and Possession) Ordinance, 1981.

Interpretation.

2. In this Ordinance, inless the context otherwise requires:-

"Article" includes any animal or plant or matter or thing principally derived from such animal or plant;

"Authorised Officer" means an Officer declared to be an authorised officer by an Order made by the Minister and published in the Gazette;

"licence" means a licence issued by the Minister;

"Minister" means the Minister of the Government in charge or to whom the subject matter of this Ordinance has been assigned;

"remove" means the removal from the natural or usual place of abode of such article;

"Schedule" means the Schedule to this Ordinance;

"Territory" means the Territory of the Virgin Islands.

Restrictions on the removal or possession of certain article. Schedule.

3. (1) Any person who removes or has removed or has in his possession or control any article specified for the time being in the Schedule without a licence or in contravention of the terms and conditions of such licence, shall be guilty of an offence and shall on summary conviction liable to a fine of two thousand dollars or to imprisonment for twelve months.

(2) A licence may be general or specific and shall be valid for such period as stated therein and may be modified or revoked at any time by the Minister.

(3) Any person who for the purpose of obtaining whether for himself or another the issue of a licence:-

- (a) makes a statement which he knows to be false in a material particular;
- (b) furnishes a document or information which he knows to be false in a material particular; or
- (c) recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and liable on summary conviction to a fine of two thousand dollars or imprisonment for twelve months.

(4) Any Police or Authorised Officer may require any person in possession, or having the control of or removing or has removed an article specified in the Schedule to furnish proof that such possession, control, or removal is or was not unlawful, and where such proof is not forthcoming, such article shall be liable to be taken into the custody of such Officer.

Schedule.

Power to amend or modify, etc. Schedule.

4. The Minister may from time to time amend, add to or make such modifications to the Schedule by Order published in the Gazette. Every such Order shall come into operation on the date of such publication or such later date as may be specified therein.

Offences by Corporation.

5. Where an offence under this Ordinance has been committed by a body corporate and it is proved that such commission is with the consent or convenience of or to be attributable to any request on the part of a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in such capacity, such director, manager, secretary or other similar officer or person as the case may be, as well as the body corporate shall be guilty of an offence, and shall be liable to be proceeded with and punished accordingly.

Forfeiture.

6. (1) Subject to subsection (2), the court by or before which a person is convicted of an offence under this Ordinance may order anything shown to the satisfaction of the court to relate to the offence, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

(2) The court shall not order anything to be forfeited under this section, where a person claiming to be the owner of or otherwise interested in it has applied, before the making of the order, to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

Prosecutions. 7. No. prosecution for an offence under this Ordinance shall be instituted without the sanction of the Attorney General.

SCHEDULE

All the Black Corals of the Order "Antipatheria".

All the Corals of Genera Antipathes and Dedrobranchia.

Passed the Legislative Council this 12th day of March, 1981.

Speaker.

Clerk of the Legislative Council