



GUYANA

ACT No. 14 of 2011

**PROTECTED AREAS ACT 2011**

I assent.

*Bharrat Jagdeo*  
Bharrat Jagdeo,  
President.

*September 27, 2011*

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**FIRST SCHEDULE****SECOND SCHEDULE****THIRD SCHEDULE****FOURTH SCHEDULE**

AN ACT to provide for the protection and conservation of Guyana's natural heritage and natural capital; the creation, management and financing of a national system of protected areas; the maintenance of ecosystem services of national and global importance including climate regulation; the establishment of a protected areas commission; the establishment and management of a protected areas trust fund; the fulfillment of Guyana's international environmental responsibilities; public participation in protected areas and conservation; and related purposes.

A.D. 2011 Enacted by the Parliament of Guyana:-

## PART I

### PRELIMINARY

- Short title. 1. This Act may be cited as the Protected Areas Act 2011.
- Commencement. 2. This Act shall come into operation on such date as the Minister may by order appoint.
- Objectives of the Act. 3. The objectives of this Act are –
- (a) to provide for the conservation of biological diversity, natural landscapes, seascapes and wetlands;
  - (b) to safeguard ecosystem services;
  - (c) to establish a national protected areas system;
  - (d) to provide for the recognition of the intrinsic value of biodiversity and associated

spiritual and cultural values;

- (e) to enhance national pride in and encourage stewardship of Guyana's natural heritage at the national, regional, local, community and individual levels of society;
- (f) to assist in safeguarding Guyana's sovereignty over its natural heritage and to regulate access to the nation's biological resources;
- (g) to give appropriate recognition to the conservation efforts and achievements of Amerindian Villages and Amerindian Communities;
- (h) to promote ecologically sustainable development;
- (i) to assist in the implementation of Guyana's international environmental responsibilities to conserve the nation's natural heritage;
- (j) to promote the rehabilitation of degraded areas and the restoration of ecological integrity;
- (k) to promote the recovery and rehabilitation of species which are vulnerable, threatened or endangered;
- (l) to establish a protected areas commission and a protected areas trust to manage and finance the national protected areas system.

Principles of  
ecologically  
sustainable  
development.

4. Principles of ecologically sustainable development include --

- (a) balanced decision-making - decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations;
- (b) the precautionary principle - if there are threats of serious or irreversible loss of biodiversity, or serious or irreversible harm to habitats or ecosystems, lack of full scientific certainty should not be used as a reason for postponing measures to prevent such loss or harm;

- (c) the principle of inter-generational equity - the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
- (d) the principle of protection of the natural capital base - the conservation of biological diversity and the maintenance of ecological integrity should be a fundamental consideration in decision-making;
- (e) the principle of policy intervention to correct market failure - the market failures that are leading to environmental degradation and the reduction in natural capital should be corrected by policy interventions including the development and application of improved valuation and pricing mechanisms for ecosystem services;
- (f) the principle of local benefit - local people should be provided with training and education relevant to job placement opportunities in the national protected areas system.

Application of Act. 5. This Act applies to the territorial sea, exclusive economic zone, fishery zone and  
No. 18 of 2010 continental shelf as defined in the Maritime Zones Act 2010.

Interpretation. 6. In this Act –  
Cap. 29:01 (a) “Amerindian Community” has the meaning assigned to it by the Amerindian Act;

(b) “Amerindian Protected Area” means a protected area created by the Amerindian Village Council over its village lands or any part thereof and which has been recognised as an Amerindian Protected Area under Part V;

Cap. 29:01 (c) “Amerindian Village” has the meaning assigned to it by the Amerindian Act;

- (d) "archaeological find" means any artefact or other significant object that relates to human activity within Guyana and is being investigated or is capable of being investigated by archaeological methods to provide evidence of the history or pre-history of Guyana;
- (e) "archaeological site" means a shell mound, a burial site, any rock containing a petroglyph or pictograph, and any site containing any archaeological find;
- (f) "biological diversity" means the variability among living organisms from all sources including, *inter alia*, terrestrial ecosystems, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;
- (g) "Board" means the board of the Protected Areas Commission appointed in accordance with Part II;
- (h) "Board of Trustees" means the board of trustees of the Protected Areas Trust Fund;
- (i) "Commission" means the Protected Areas Commission;
- (j) "Commissioner" means the Commissioner of Protected Areas;
- (k) "ecological integrity" means the sum of the biological, physical and chemical components of an ecosystem and their dynamic interactions which maintain the ecosystem and its attributes, products and processes including evolutionary processes

which result in increased biological diversity and more complex living systems;

- (l) "ecosystem" means the dynamic complex of animal, plant and micro-organism communities and their non-living environment interacting as a functional unit;
- (m) "ecosystem services" means benefits provided by ecosystems which include provisioning services such as food, water, timber, fiber, and genetic resources; regulating services such as the regulation of climate, floods, disease, and water quality as well as waste treatment; cultural services such as recreation, aesthetic enjoyment and spiritual fulfillment; and supporting services such as soil formation, pollination and nutrient cycling;
- (n) "endangered species" means any species of wild animal or any plant species which is –
- (i) listed as endangered on the Red List of the International Union for the Conservation of Nature;
  - (ii) an indigenous species which is not listed as endangered on the Red List of the International Union for the Conservation of Nature but which is in danger of extinction through all or part of its range in Guyana and whose survival is unlikely if the factors jeopardising it continue to operate;
- (o) "habitat" means the place or type of site where an organism or population naturally occurs;
- (p) "indigenous species" means any species of wildlife or any plant species that occurs

naturally in a free state in nature in Guyana but excludes a species introduced as a result of human activity; and indigenous species in relation to a protected area means a species that occurs naturally in that protected area in a free state in nature but excludes a species introduced into that protected area as a result of human activity;

- (q) “international recognition” means designation as Biosphere Reserve by the United Nations Educational, Cultural and Scientific Organisation, or recognition under the Convention on Wetlands of International Importance especially as Waterfowl Habitat or the Convention Concerning the Protection of the World Cultural and Natural Heritage or any other international treaty;
- (r) “major donor” means any individual or person or entity which makes a significant contribution to the Protected Areas Trust Fund;
- (s) “migratory species” means any species or lower taxon of wild animal, whose members cyclically and predictably cross one or more national jurisdictional boundaries;
- (t) “national protected area” means a protected area which has been formally declared a national protected area under Part IV;
- (u) “natural heritage” includes –
- (i) biological diversity, the components of biological diversity and wildlife;
  - (ii) land forms of significance, including geological features and processes of scientific significance;

- (iii) ecosystems and ecosystem services;
- (v) "private lands" means village lands and all lands other than public lands;
- (w) "privately managed protected area" means an area held under a conservation lease and declared a privately managed protected area under Part VI;
- (x) "protected area" means a geographically defined area of land or sea or both which is managed for the conservation of biological diversity and the maintenance of ecosystem services;
- (y) "public lands" means all lands vested in the State (whether as State lands or government lands) or vested in any person in trust for the State;
- (z) "SGP" means Special Grant Programme;
- (aa) "threatened species" means any species of wild animal or any plant species –
- (i) which is listed as threatened on the Red List of the International Union for the Conservation of Nature; or
  - (ii) which is an indigenous species which is not listed as threatened on the Red List of the International Union for the Conservation of Nature but which –
    - (a) is likely to become threatened within the foreseeable future throughout all or part of its range in Guyana if the factors causing numerical decline or habitat degradation continue to operate; or
    - (b) is rare because it is usually localised within restricted geographical areas or habitats or is thinly scattered over a more extensive range and which could decline or become endangered or extinct;

Cap. 29:01 (bb) “traditional right” has the meaning assigned to it under the Amerindian Act;

(cc) “Trust Fund” means the trust fund established by Part IX;

Cap. 29:01 (dd) “Village lands” has the meaning assigned to it under the Amerindian Act;

(ee) “vulnerable species” means any species of wild animal or any plant species

which –

(i) is listed as vulnerable on the Red List of the International Union for the Conservation of Nature; or

(ii) is an indigenous species which is not listed as vulnerable on the Red List of the International Union for the Conservation of Nature but which is likely to become vulnerable unless the circumstances and factors threatening their survival or evolution cease to operate;

(ff) “wild animal” means a member of any undomesticated species of the animal kingdom whether vertebrate or invertebrate including fish, their life forms and development stages, eggs.

## PART II

### ESTABLISHMENT AND FUNCTIONS OF THE COMMISSION

Establishment of a Commission. 7. (1) There is hereby established the Protected Areas Commission as a body corporate governed by a Board of Directors of seven members appointed under section 12.

- First Schedule
- (2) The procedure of and other matters relating to the Board are set out in First Schedule.
- Functions of the Commission.
8. The functions of the Commission are to --
- (a) establish, manage, maintain, promote and expand the national protected areas system;
  - (b) identify and evaluate areas that are of ecological significance and make recommendations for the establishment of new protected areas;
  - (c) ensure that the national protected areas system contains ecologically viable areas that are representative of Guyana's habitats and ecosystems;
  - (d) ensure that the national protected areas system contains viable populations of all indigenous species;
  - (e) manage or ensure the proper management of each protected area within the national protected areas system in a manner that is consistent with --
    - (i) the classification applied to the protected area; and
    - (ii) the management plan approved for the protected area;
  - (f) regulate activities and use of resources within each national protected area so as to leave each national protected area unimpaired for the enjoyment and use of future generations;
  - (g) prepare, develop, review and approve as appropriate the management plans and budgets for each protected area;
  - (h) promote public understanding, appreciation and awareness of Guyana's natural heritage and promote environmental awareness and education through the national protected areas system;

- (i) promote public involvement in decision making processes and activities for the achievement of the objectives of this Act;
- (j) promote the private management of public lands as protected areas, as buffer zones, or as areas for the conservation and rehabilitation of ecosystems;
- (k) promote, undertake and supervise scientific studies, monitoring and research consistent with the objectives of this Act;
- (l) coordinate and exchange information with other public authorities, the Board of Trustees, Village Councils, non-governmental organisations, international organisations and other relevant bodies in furtherance of the objectives of this Act;
- (m) advise the Minister on developing regulations, standards, guidelines and procedures to ensure effective management of the national system activities;
- (n) implement policy on protected areas and advise the Minister on matters of policy relating to protected areas and the impact of activities and policy on protected areas;
- (o) advise the Minister on the state of Guyana's protected areas and on any special or general measures that may be needed to further the objectives of this Act, including proposals to designate new protected areas or to modify existing protected areas;
- (p) advise the Minister on the implementation of Guyana's responsibilities under international and regional conventions applicable to Guyana;
- (q) advise the Minister on the need for trans-boundary parks and assist the Minister accordingly;
- (r) provide support and advice to Amerindian Villages to enable them to develop Amerindian Protected Areas and to apply the principles of ecologically sustainable development;
- (s) assess whether an Amerindian protected area or a privately managed protected area meets the criteria for participation in the national protected areas system and advise

the Minister accordingly;

- (t) monitor the effectiveness of implementation of management plans and the achievement of the objectives of the national protected areas system;
- (u) ensure that the law, regulations and rules are enforced appropriately within the national protected areas system;
- (v) appoint park wardens, rangers and other enforcement officers;
- (w) perform all other duties necessary and appropriate for carrying out the objectives of this Act.

Exercise of  
functions of the  
Commission.

9. In the exercise of its functions the Commission may –
- (a) establish site-level management authorities for individual national protected areas, enter into co-management arrangements or put in place other appropriate governance arrangements;
  - (b) charge fees for entry and other activities by the public;
  - (c) make by-laws regulating activities in national protected areas;
  - (d) permit research subject to safeguards to protect Guyana's sovereignty over its biological resources;
  - (e) conduct or authorise income-generating activities that are compatible with the classification and objectives of the national protected area;
  - (f) establish technical and advisory committees to enable the Board to carry out its functions under this Act;
  - (g) represent Guyana at international and regional meetings and fora in furtherance of the objectives of this Act;
  - (h) publish, sell, disseminate studies, reports, and other documents;
  - (i) construct, maintain and alter trails, roads, paths, buildings and other facilities inside

a national protected area consistent with the management objectives and management plan for the national protected area;

- (j) obtain expert or technical advice from any suitably qualified person on such terms and conditions as the Commission thinks fit.

Resources of the  
Commission.

10. (1) The assets and funds of the Commission consist of—
- (a) such sums as may be provided by Parliament;
  - (b) such sums as may be allocated by the Board of Trustees;
  - (c) revenue from income-generating activities in national protected areas;
  - (d) such other sums and property which become lawfully paid to and vested in the Commission.

- (2) The Commission may not borrow money.

Accounts of the  
Commission.

11. The Commission shall keep proper accounts and financial records and shall publish its annual accounts as audited by the Auditor-General.

Appointment of  
the Board of the  
Commission.

12. The Minister shall appoint a maximum of seven members of the Board from among persons -
- (a) who demonstrated commitment towards biodiversity conservation and sustainable use of natural resources;
  - (b) who have —
    - (i) management experience and knowledge of conservation and protected areas;
    - (ii) expertise in development issues;

(iii) financial expertise.

Publication of  
members of the  
Board in the  
*Gazette*.

13. The Minister shall publish in the *Gazette* the names of members of the Board as first constituted and any subsequent change..

Resignation or  
termination.

14. (1) A Board member may at any time resign by submitting a written resignation to the Minister.

(2) The Minister may remove a member of the Board if that member -

(a) becomes incapable of carrying out his duties;

(b) is convicted of an offence for which the court may impose a term of imprisonment;

(c) is absent except on leave granted by the Board from three consecutive board meetings; or

(d) fails to disclose an interest as required by section 15 (2).

Duty to act in best  
interest.

15. (1) A Board member shall at all times act in the best interests of the Commission.

(2) A Board member who has any interest, directly or indirectly in any matter before the Board shall disclose the nature of that interest to the Board and shall not take part in any discussions or decisions of the Board with respect to that matter.

(3) A disclosure under this section must be recorded in the minutes of the Board.

- Functions of the Board.
16. (1) The functions of the Board are to –
- (a) oversee the operations of the Commission;
  - (b) approve the budget, work plan, programmes, annual report and accounts of the Commission;
  - (c) approve the system plan prepared under section 21;
  - (d) approve applications from the Commission to the Board of Trustees for funding;
  - (e) review and approve the management plans prepared under section 65 or 66;
  - (f) develop a monitoring and evaluation scheme to ensure that the strategic objectives of the national protected areas system are being achieved.
- (2) In carrying out its functions and making decisions the Board shall take into account the principles of ecologically sustainable development.
- Annual report.
17. (1) The Board shall within four months of the expiry of the Commission's financial year, submit to the Minister an annual report on the performance of the Commission including the following information –
- (a) the state of national protected areas;
  - (b) the number and significance of any new national protected areas;
  - (c) an assessment of the national protected areas system against its objectives;
  - (d) an assessment of the threats to the national protected areas system;
  - (e) the extent to which the principles of ecologically sustainable development are being followed in the national protected areas system;
  - (f) and any other matters which the Board considers should be brought to the attention of the Minister.

(2) The Minister shall table the annual report in the National Assembly.

- Appointment of the Commissioner. 18. The Minister may appoint the Commissioner of Protected Areas after taking into account the advice of the Board members.
- Responsibility of Commissioner. 19. The Commissioner shall be the chief executive officer of the Commission and shall be responsible for the day to day business of the Commission, its administration and operations.
- Duties of the Commissioner. 20. The duties of the Commissioner are to –
- (a) coordinate approaches to biodiversity conservation and sustainable use of natural resources in and around protected areas;
  - (b) recruit and appoint staff subject to the approval of the Board;
  - (c) ensure that the budget, work plan and programmes are implemented;
  - (d) ensure that proper financial systems and appropriate staffing policies and procedures are put in place and followed;
  - (e) promote research and environmental education programmes in and around protected areas;
  - (f) promote environmentally sound land use planning in and around protected areas.
- National Protected Areas System Plan. 21. Within one year of being appointed the Commissioner must prepare and present to the Board for approval a system plan which shall –
- (a) set out the vision for the national protected areas system;

- (b) describe the national protected areas system and identify protected areas and buffer zones on a map;
- (c) describe the threats to the conservation of biodiversity and to the safeguarding of ecosystem services in the national protected areas system;
- (d) describe the conservation goals and priorities of the national protected areas system;
- (e) describe how national protected areas, Amerindian protected areas and privately managed protected areas contribute to these goals and priorities;
- (f) set out a programme for obtaining international recognition for national protected areas;
- (g) identify the training and education needed to increase management effectiveness in protected areas;
- (h) provide mechanisms to enhance cooperation and consultation with other natural resource agencies;
- (i) assign responsibilities for implementation of the system plan;
- (j) provide for monitoring and evaluation of the system plan;
- (k) identify costs and investment needs and priorities for the national protected areas system.

Plan update.

22. The Commissioner shall update the system plan regularly and, in any event, not less than every two years, and shall present the updated plan to the Board for comment and approval.

### PART III

#### THE NATIONAL PROTECTED AREAS SYSTEM

- Components of the National Protected Areas System.
23. The national protected areas system consists of –
- (a) the Kaieteur National Park;
  - (b) the Programme Site of the Iwokrama International Centre for Rain Forest Conservation and Development;
  - (c) national protected areas;
  - (d) Amerindian protected areas approved under section 39;
  - (e) Protected areas previously declared and urban parks including the Botanical Gardens and the Zoological Park;
  - (f) privately managed protected areas recommended under section 26, and approved by the Minister.
- Objectives of the system.
24. The objectives of the national protected areas system are to –
- (a) conserve Guyana's biological diversity;
  - (b) protect ecologically viable areas representative of all ecosystems and habitats naturally occurring in Guyana, and its natural landscapes and seascapes;
  - (c) protect ecologically significant areas which are vulnerable;
  - (d) safeguard and maintain ecosystem services;
  - (e) ensure that any use of biological resources in a protected area is sustainable;
  - (f) recognise the intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components;
  - (g) provide a mechanism to assist the State in meeting its obligations under national law to protect the environment for future generations through promoting conservation and preventing ecological degradation;

- (h) assist in combating climate change by --
- (i) ensuring that Guyana's existing forests are maintained and protected from degradation and their ecosystem functions are safeguarded;
  - (ii) promoting the restoration and expansion of Guyana's natural forest cover;
  - (iii) protecting marine ecosystems;
  - (iv) protecting freshwater ecosystems and important watersheds.

#### PART IV

#### ESTABLISHING NATIONAL PROTECTED AREAS

- Recommendation by Commission to Minister. 25. The Commission may recommend to the Minister that an area of public lands be declared a national protected area.
- Proposal by others. 26. A public authority, a Village Council, an Amerindian Community or any other person may submit a proposal to the Minister requesting the Minister to create a national protected area over an area of public lands.
- Requirements for a proposal. 27. (1) A proposal shall --
- (a) describe the location and boundaries of the proposed national protected area;
  - (b) state how the proposed national protected area will further the objectives of this Act;
  - (c) identify the threats to species, habitats or ecosystems;
  - (d) identify migratory, endangered, threatened or vulnerable species.

- (2) For privately proposed protected areas, the responsibility for work described in section 28 (1) (a-d) shall be borne by the proponent.

Assessment and  
investigation.

28. (1) Before making a recommendation to the Minister the Commission shall –
- (a) assess the biological diversity of the area including identifying species and habitats, migratory, endangered, threatened or vulnerable species and threats to species or habitats;
  - (b) consider whether the area is adequate for maintaining biodiversity and ecosystem services including the habitat requirements of species, minimum viable population sizes, connectivity to enable movement of wildlife, natural boundaries;
  - (c) consider the extent to which the area will contribute to the overall effectiveness of the national protected areas system;
  - (d) assess the potential for the area to obtain international recognition;
  - (e) consult the Minister with responsibility for Amerindian affairs, the Guyana Geology and Mines Commission, the Guyana Forestry Commission, the Guyana Lands and Surveys Commission, Environmental Protection Agency, the National Trust, Guyana National Energy Agency, Guyana Hydrometeorological Department, local government, and other relevant organs of State as appropriate;
  - (f) take reasonable steps to identify and consult any Amerindian Community or Amerindian Village that exercises traditional rights within the area.
- (2) The Commission shall take reasonable steps to ensure that wherever feasible surveys and other scientific research are carried out the local inhabitants are consulted.

Public

29. Upon receiving the recommendation of the Commission the Minister shall seek the

- participation. approval of the Cabinet within thirty days; if approved, the Minister shall publish a notice in the *Gazette* and in at least one daily national newspaper stating the intention to create a national protected area and the notice shall –
- (a) provide sufficient information for the public to understand the reasons for establishing the proposed national protected area, including how it will fit within the national protected areas system;
  - (b) identify the proposed area;
  - (c) state the classification proposed for the area;
  - (d) request all persons, communities and other entities who exercise or claim rights over the area to notify the Minister in writing of those rights and claims;
  - (e) invite interested persons to make written submissions to the Commission about the proposed protected area;
  - (f) specify an address to which submissions shall be sent and the date by which submissions must be made;
  - (g) indicate whether public meetings shall be held to receive additional submissions.
- Existing rights. 30. The Minister shall carry out an investigation to determine what rights and claims exist over the area and may take steps to settle such claims and terminate such rights as permitted by law.
- Mineral and petroleum information. 31. The Guyana Geology and Mines Commission shall provide the Minister with adequate information regarding the mineral and petroleum potential of the area and the Minister shall take this information into account before making a declaration.
- Minister to take 32. Before acting on a recommendation from the Commission the Minister shall take into

into account.

account the following –

- (a) the principles of ecologically sustainable development;
- (b) that the national protected area should include the range of habitats and ecological communities that distinguish the area;
- (c) the protected area should be of a size, design and condition that is suitable for its classification.

Declaration of a  
protected area.

33. (1) The Minister may by order declare an area of public lands to be a national protected area –

- (a) upon the recommendation of the Commission; or
  - (b) if the Minister considers that it is appropriate to make the declaration in order to achieve the objectives of this Act.
- (2) An order made under subsection (1) shall –
- (a) describe the boundaries of the area;
  - (b) apply a classification to the national protected area;
  - (c) include a copy of any map produced following a survey of the area carried out by or under the authority of the Guyana Lands and Surveys Commission.
- (3) If there is no map as referred to in subsection 2 (c) the Commission shall, within a reasonable period of time of the Minister's order, ensure that a survey is carried out to establish the boundaries of the protected area.
- (4) An order made under subsection (1) is subject to any rights that have not been terminated under section 30.

## PART V

## AMERINDIAN PROTECTED AREAS

- Amerindian  
protected areas.
34. A Village Council may apply to the Commission for village lands or any part thereof to be recognised as an Amerindian protected area.
- Application for  
lands.
35. (1) An application shall include the following –
- (a) a copy of the title to the land;
  - (b) a map of the village lands produced by or under the authority of the Guyana Lands and Surveys Commission;
  - (c) a description of the area to be declared as an Amerindian protected area, including its boundaries and size;
  - (d) the vision, management objectives and proposed classification for the protected area;
  - (e) a description of the management arrangements;
  - (f) a description of any mining or forestry operations that have been authorised on Village lands;
  - (g) an assessment of the biological diversity of the proposed protected area;
  - (h) confirmation that the area is being managed as a protected area;
  - (i) an assessment of the size of the proposed protected area in relation to its conservation objectives;
  - (j) a preliminary assessment of the personnel required for the protected area including personnel for management, research, education and outreach, monitoring and enforcement;
  - (k) proposals for education and training to enable members of the Amerindian village to fulfil the personnel requirements identified; and

(1) a village resolution passed at a Village general meeting authorising the Village Council to make the application.

(2) The Commission may, at the request of the Amerindian Village Council, provide technical advice and assistance to the Amerindian Village Council on the application.

Assessment of the application.

36. The Commission shall assess the application taking into account the following factors -

- (a) the biological diversity of the area including species and habitats, migratory, endangered, threatened or vulnerable species, and threats to species or habitats;
- (b) whether the area is adequate for maintaining biodiversity and ecosystem services including the habitat requirements of species, minimum viable population sizes, connectivity to enable movement of wildlife, natural boundaries;
- (c) the extent to which the site will contribute to the overall effectiveness of the national protected areas system, including acting as an extension to or buffer zone for a national protected area;
- (d) the potential for the proposed Amerindian protected areas area to obtain international recognition.

Submission of request to Minister.

37. If the Commission is satisfied that the proposed Amerindian protected area is viable the Commission and the Village Council may submit a joint request to the Minister for the Minister to declare the area as an Amerindian protected area and the request shall include the following -

- (a) the classification proposed for the Amerindian protected area;
- (b) a copy of the management plan as developed by the Commission and the Village

Council and approved by the Board;

- (c) a written agreement between the Commission and the Village Council specifying the number of years that the protected area will be an Amerindian protected area;
- (d) a statement from the Commission that the declaration of the Amerindian protected area will further the objectives of the Act.

Right of appeal.

38. (1) If the Commission is not satisfied that the proposed Amerindian protected area is viable the Commission shall notify the Village Council within a reasonable time.
- (2) The Village Council shall have the right to appeal the decision of the Commission to the Minister.

Declaration of Amerindian protected area.

39. (1) The Minister, acting on a request made jointly by an Amerindian Village Council and the Commission, or in his own judgment, may declare an area of village lands to be an Amerindian protected area.
- (2) An order made under subsection (1) shall –
- (a) describe the boundaries of the area;
  - (b) state that the area is village land held by the Village Council on behalf of the Amerindian members of that village;
  - (c) state that the sole management authority for the Amerindian protected area is the Village Council;
  - (d) state the classification assigned to the area;
  - (e) include a copy of the map submitted to the Minister.

- Eligibility for funding. 40. On publication of a notice in the *Gazette*, an Amerindian protected area becomes eligible to apply for funding from the Protected Areas Trust Fund.

## PART VI

### PROTECTED AREAS MANAGEMENT

- Objectives of a protected area. 41. The objectives of a protected area are to –
- (a) conserve biodiversity;
  - (b) safeguard ecological processes;
  - (c) protect migratory, rare, threatened or endangered species;
  - (d) protect the habitats of migratory, rare, threatened or endangered species;
  - (e) protect an area of ecological significance which is vulnerable or threatened.
- Types of protected areas. 42. (1) A protected area within the national protected areas system may be classified as –
- (a) Strict Nature Reserve;
  - (b) Wilderness Reserve;
  - (c) National Park;
  - (d) Natural Monument;
  - (e) Management Area for Habitat or Species ;
  - (f) Protected Landscape or Seascape; or
  - (g) Managed Resource Protected Area.
- (2) The classification in subsection (1) should be consistent with the International Union for the Conservation of Nature guidelines for applying protected area management categories.

- Strict Nature Reserve. 43. A Strict Nature Reserve shall –
- (a) contain outstanding or representative ecosystems or species;
  - (b) be large enough to ensure integrity of its ecosystems and populations of indigenous species;
  - (c) be free of direct human intervention.
- Management of Strict Nature Reserve. 44. A Strict Nature Reserve must be managed –
- (a) to preserve habitats, species and ecosystems in as undisturbed states as possible;
  - (b) to maintain biota in a dynamic and evolutionary state;
  - (c) to safeguard established ecological processes;
  - (d) to safeguard any structural landscape features;
  - (e) to minimise disturbance and limit public access.
- Scientific research in Strict Nature Reserve. 45. Subject to section 44, the management authority may permit non-invasive scientific research and environmental monitoring in a Strict Nature Reserve.
- Wilderness Reserve. 46. A Wilderness Reserve shall –
- (a) be a large area that is unmodified or only slightly modified and which retains its natural character;
  - (b) contain significant ecological, geological, physiogeographic or other valuable features;
  - (c) be free from permanent human habitation and from significant human habitation.

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- Management of Wilderness Reserve. 47. A Wilderness Reserve shall be managed –
- (a) to preserve the ecological integrity of the area as an intact wilderness;
  - (b) to protect the essential natural attributes and qualities of the area.
- Permitted activities in Wilderness Reserve. 48. Subject to section 47, the management authority may permit the following activities in a Wilderness Reserve –
- (a) non-invasive scientific research;
  - (b) non-invasive environmental monitoring;
  - (c) public access which is limited, low impact, non-intrusive, non-motorised and does not compromise the quality of the wilderness at the time or for the future.
- National Park. 49. A National Park shall –
- (a) contain representative samples of major natural regions, features or scenery;
  - (b) contain one or more ecosystems that are not materially altered by human occupation or exploitation;
  - (c) contain plant and animal species that are of special significance.
- Management of a National Park. 50. A National Park shall be managed –
- (a) to protect the ecological integrity of the National Park;
  - (b) to protect the natural or scenic areas in the National Park.
- Permitted activities in a National Park. 51. Subject to section 50, the management authority may permit the following activities in a National Park –
- (a) non-invasive scientific research;
  - (b) non-invasive environmental monitoring;

- (c) public access for educational, cultural, spiritual and other non-material purposes at a level and of a type which will maintain the natural condition of Natural Park.

- Natural Monument. 52. A Natural Monument shall –
- (a) contain one or more specific natural features of outstanding or unique value because of its inherent rarity, representative or aesthetic qualities or cultural significance;
  - (b) be large enough to protect the integrity of each of its natural features.
- Management of Natural Monument. 53. A Natural Monument shall be managed to protect its outstanding natural features.
- Permitted activities in Natural Monument. 54. Subject to section 53, the management authority may permit the following activities in a Natural Monument –
- (a) non-invasive scientific research;
  - (b) non-invasive environmental monitoring;
  - (c) public access for educational, cultural, spiritual and other non-material purposes at a level and of a type which will maintain the Natural Monument.
- Management Area for Habitat or Species. 55. A Management Area for Habitat or Species shall –
- (a) contain a habitat which is important for the survival of a species or must contain a significant species or both;
  - (b) be an area that requires significant management intervention to ensure the maintenance of the habitat or of the species.

- Protection of Habitat or Species. 56. A Management Area for Habitat or Species must be managed to protect the habitat and species and to prevent conflicting human occupation or use.
- Permitted activities in a Management Area for Habitat or Species. 57. Subject to section 56, the management authority may permit the following activities –
- (a) non-invasive scientific research;
  - (b) non-invasive environmental monitoring;
  - (c) limited public access for low-impact non-consumptive and non-material visitor enrichment and education.
- Protected Landscape or Seascape. 58. A Protected Landscape or Seascape shall be an area –
- (a) where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic and ecological value;
  - (b) which contains significant habitats, flora and fauna;
  - (c) demonstrates a harmonious interaction between people and nature as well as unique or traditional land use patterns.
- Management of Landscape or Seascape. 59. The area of Landscape or Seascape shall be managed through traditional processes to protect the ecological integrity of the area and the relationship between people and the area.
- Permitted activities in Landscape or Seascape. 60. Subject to section 59, the management authority may permit the following activities in protected Landscape or Seascape –
- (a) scientific research;
  - (b) environmental monitoring;

- (c) recreation;
- (d) low-level ecologically sustainable activities.

Managed Resource Protected Area 61. A Managed Resource Protected Area must be an area which –

- (a) contains predominantly natural systems;
- (b) is managed to provide a sustainable flow of natural products and services to meet local needs while still protecting natural ecosystems and maintaining ecosystem services.

Permitted activities in a Managed Resource Protected Area 62. Subject to section 61(b), the management authority may permit the following activities in a Managed Resource Protected Area –

- (a) scientific research;
- (b) environmental monitoring;
- (c) recreation;
- (d) low-level eco-logically sustainable activities.

Site level authority 63. (1) The Commission may recommend to the Minister the establishment of a site level management authority for a national protected area.

(2) In establishing a site level management authority, the Commission shall take into account the need for representation by local inhabitants and local conservation organisations.

Duties of site level authority 64. The site level authority shall –

- (a) make recommendations to the Protected Areas Commission to ensure the prope

management of the protected area in a manner that is consistent with –

- (i) the classification applied to the protected area;
  - (ii) the management plan approved for the protected area;
- (b) review and provide comments on the management plan, work plan, programmes and budget for the protected area;
- (c) promote public understanding, appreciation and awareness of the protected area;
- (d) promote public involvement in decision making processes and activities for the achievement of the objectives of this Act;
- (e) promote scientific studies, monitoring and research in accordance with the management plan;
- (f) coordinate and exchange information with other public authorities, Village Councils, non-governmental organisations, international organizations, and other relevant bodies in accordance with the management plan;
- (g) advise the Commission on developing regulations, standards, guidelines, and procedures to ensure effective management of the Protected Area;
- (h) provide support and advice to Amerindian Villages associated with the Protected Area to enable them to apply the principles of ecologically sustainable development;
- (i) provide recommendations to the Commission on the effectiveness of implementation of the management plan.

Requirement for a site level management plan. 65. (1) The Commission shall ensure that a management plan is prepared for a national protected area.

(2) Where there is a site level management authority for a national protected area the Commission may delegate the preparation of the management plan to that authority.

- Management plan for Amerindian protected area. 66. The Village Council shall ensure that a management plan is prepared for an Amerindian protected area.
- Preparation of management plan. 67. An authority responsible for preparing a management plan shall take into account the following matters –
- (a) the principles of ecologically sustainable development;
  - (b) the area's primary ecosystems and the related conservation objectives;
  - (c) the benefit to the national protected areas system and Guyana's natural heritage;
  - (d) conservation of biological diversity, maintenance and restoration of ecosystems and ecological processes, maintenance and restoration of populations of endangered, migratory, threatened or vulnerable species and their habitats;
  - (e) the most appropriate governance structure including the need to involve stakeholders;
  - (f) protection of archaeological sites.
- Contents of management plan. 68. A management plan for a national protected area, an Amerindian protected area or a privately managed protected area shall contain the following –
- (a) executive summary;
  - (b) introduction;
  - (c) type of protected area;
  - (d) a description of the protected area;
  - (e) a map showing the location of the protected area;
  - (f) vision and management objectives for the protected area;

- (g) general description of the protected area's biological diversity, habitats and ecosystems;
- (h) identification and description of conservation targets;
- (i) actions to ensure the conservation of biological diversity, maintenance and restoration of ecosystems, habitats, populations of endangered, threatened and vulnerable species;
- (j) actions to ensure the preservation of ecological processes;
- (k) a procedure for identifying traditional rights and traditional mining privileges;
- (l) identification and preservation of archaeological sites;
- (m) a work plan for operations and implementation for the first year at least;
- (n) a mechanism for monitoring and evaluating the management plan;
- (o) a budget;
- (p) a map of the protected area.

Other provisions  
in management  
plan.

69. A management plan may include –

- (a) provisions for zoning according to different management needs and uses and conservation objectives;
- (b) public education, public awareness and outreach;
- (c) commercial activities that are compatible with the objectives of the protected area and within the protected area's carrying capacity;
- (d) provision for ecologically sustainable tourism within the protected area or in partnership with local communities;
- (e) education, training and other provisions to develop local capacity to take advantage of commercial opportunities in and around protected areas;
- (f) a provision action plan and timetable for obtaining an international designation for

the protected area where feasible;

(g) any other relevant matter.

Consultation for national protected areas. 70. The management authority which is responsible for the management plan for a national protected area shall –

(a) put a notice in at least two national newspapers stating where the management plan may be inspected and giving not less than four weeks from the date of publication in the *Gazette* for members of the public to make comments; and

(b) hold at least one public meeting in Georgetown to discuss the management plan.

Amerindian communities and Amerindian villages.

71. The management authority responsible for the management plan for a national protected area shall send a notice to each Amerindian community and Amerindian village in the area stating where the management plan may be inspected and giving them not less than four weeks from the date of the notice to make comments on the management plan.

Notification of rights.

72. An Amerindian community or Amerindian village which has or which claims traditional rights within a national protected area shall notify the management authority of such rights and the management authority may carry out an investigation in order to verify the existence of such traditional rights.

Agreement to protect traditional rights.

73. In order to protect traditional rights the management authority for a national protected area may enter into an agreement with each Amerindian community and Amerindian village which has traditional rights in the national protected area and the agreement may provide for –

(a) the use of scientific methodologies to assess the levels at which use is sustainable;

- (b) systems for monitoring and recording the exercise of traditional rights;
- (c) systems for reporting any threats to traditional rights including any use or extraction of resources which is not authorised under a traditional right or otherwise permitted in the management plan;
- (d) recognition of the spiritual relationship which the Amerindian community or Amerindian village has with the national protected area or any part of it;
- (e) identification of sacred places and measures to ensure their protection;
- (f) the management of any archaeological sites identified under section 79;
- Cap. 29:01 (g) confirmation that the management authority has complied with section 58 (3) (b) of the Amerindian Act.
- Agreement part of management plan. 74. An agreement made under section 73 may be included as a part of the management plan for a national protected area.
- Review and update of management plan. 75. The management authority identified in the management plan shall review the management plan regularly and update it every five years.
- Board Approval. 76. A management plan shall be approved by the Board before it is submitted to the Board of Trustees for funding.
- Power of Board. 77. The Board may approve, amend or reject the management plan as appropriate.
- Implementation. 78. A management plan shall not be implemented in a way that is inconsistent with the World Heritage Convention, Convention on Biological Diversity, or other international environmental treaty to which Guyana is a party.

- Archaeological sites. 79. The Commission shall consult the relevant authorities on the preservation of archaeological sites.
- Consultation with Amerindian community. 80. Where an archaeological site has been created by or is attributable to an Amerindian village or Amerindian community, the Commission shall consult that Amerindian village or Amerindian community and may enter into an agreement with the Amerindian village or Amerindian community as appropriate for the preservation of the archaeological site.
- Consultation on preservation of site. 81. Where the origin of an archaeological site is unknown or it is attributed to a people that are no longer in existence in Guyana, the Commission may consult the nearest Amerindian village or Amerindian community on the preservation of the site.
- Duty to maintain Register. 82. (1) The Commission shall maintain a register showing –  
 (a) each protected area;  
 (b) archaeological sites.  
 (2) The registers shall be available for inspection by the public during normal working hours of the Commission and copies shall be available at no more than the cost of photocopies.
- Protection of intellectual property. 83. (1) A person who wishes to carry out any scientific, anthropological or archaeological research in a national protected area shall apply for and obtain in advance –  
 (a) a permit from the Commission;  
 (b) all other permits required by law.

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[No. 14

Fourth  
Schedule

(2) A person who undertakes any scientific research or field work at the student or professional level, whether for public, private or academic purposes without complying with subsection (1) commits an offence and is liable to the penalties prescribed in paragraph (a) of the Fourth Schedule.

(3) A person who carries out any research in a national protected area shall —

(a) provide the Commission with a full written report of the findings and a copy of all recordings made;

(b) obtain the written consent of the Commission before publishing any results or findings;

(c) obtain the written consent of the Commission before seeking to register any patents or other intellectual property rights in respect of material obtained through research conducted in a national protected area as the case may be.

(4) The Commission may grant or refuse permission and in granting permission may impose requirements for joint ownership, payment of fees and royalties or other benefit sharing conditions.

Fourth  
Schedule

(5) A person who contravenes subsection 3 (a) or (b) is guilty of an offence and liable to the penalties prescribed in paragraph (a) of the Fourth Schedule.

Fourth  
Schedule

(6) A person who contravenes subsection 3 (c) is guilty of an offence and liable to the penalties prescribed in paragraph (a) of the Fourth Schedule.

(7) Proprietary work shall be held in confidence for a minimum of ten years.

## PART VII

### VARIATION OR DECLASSIFICATION OF A PROTECTED AREA

- Protected Areas boundaries may be varied provided that overall area does not reduce.
84. (1) The Minister may by order vary the boundaries of a national protected area provided that –
- (a) the Minister is of the opinion that such variation is reasonably necessary in order to achieve the objectives of this Act; and
  - (b) such variation does not reduce the overall area of the national protected area.
- (2) Before making an order under subsection (1) the Minister shall hold at least one public meeting.
- Excision.
85. (1) The Minister may by order in the *Gazette* excise a part(s) of a national protected area provided that:
- (a) the Minister is acting on the basis of information acquired by the Guyana Geology and Mines Commission after the establishment of the national protected area;
  - (b) the information indicates that there are substantial mineral resources or petroleum deposits;
  - (c) the Minister declares that it is in the public interest to exploit such resources taking into account the principles of ecologically sustainable development;
  - (d) the Minister with responsibility for mining or for petroleum as the case may be declares that it is in the public interest to exploit such resources taking into account the principles of ecologically sustainable development.

- (2) Before making a declaration under this section the Minister must publish a notice in at least two national newspapers informing the public of the reason for the excision.
- (3) If an order is made under subsection (1) the Minister must take reasonable steps to establish another protected area in order to maintain the integrity of the national protected areas system.

- De-classification of a protected area. 86. (1) The Minister may by order subject to affirmative resolution of the National Assembly declassify a national protected area provided that –
- (a) the Minister is acting on the basis of information acquired by the Guyana Geology and Mines Commission after the establishment of the national protected area;
  - (b) the information indicates that there are substantial mineral resources or petroleum deposits;
  - (c) the Minister declares that it is in the public interest to exploit such resources taking into account the principles of ecologically sustainable development;
  - (d) the Minister with responsibility for mining or for petroleum as the case may be declares that it is in the public interest to exploit such resources taking into account the principles of ecologically sustainable development;
  - (e) the Minister consults the Board of Trustees in those cases where the national protected area is receiving funding for current activities or has been allocated funding for future activities from the Trust Fund;
  - (f) the Minister consults the public through at least two public meetings;
  - (g) the Minister consults any Amerindian Community or Amerindian Village which is noted in the register under section 82 as exercising traditional rights in the national

protected area.

(2) If an order is approved under subsection (1) the Minister shall take reasonable steps to establish another protected area in order to maintain the integrity of the national protected areas system.

Repayment of unspent funds. 87. Where a national protected area is declassified the State shall repay to the Protected Areas Trust Fund any funds unspent by the national protected area as the case may be at the time of the declassification.

### PART VIII

#### PROTECTED AREAS TRUST

Establishment of a Protected Areas Trust. 88. There is hereby established a Protected Areas Trust as a body corporate.

Board of Trustees - nine members. 89. (1) The Protected Areas Trust is governed and administered by a Board of Trustees.

(2) The maximum number of Trustees is nine.

Second Schedule 89. (3) The Second Schedule has effect in relation to operational and administrative matters of the Board of Trustees.

Functions. 90. The functions of the Board of Trustees are --

- (a) to manage the Trust and review and amend as appropriate the annual budget for the Trust;
- (b) to oversee the management and investment of the Trust Fund;
- (c) to review requests for funding for protected areas for the national protected areas system in accordance with approved management plans, and make recommendations to the Minister;
- (d) to set up advisory committees, subcommittees, and other formal and informal arrangements as appropriate to help the Trust carry out its functions under this Act;
- (e) to make recommendations on matters within the scope of this Act and provide guidance and support to the Executive Director of the Trust on programmes and operations as appropriate;
- (f) to develop and periodically review and update as necessary a strategic plan for the Trust containing measures that are needed to achieve the objectives of the Act and the financial implications of all actions.

Appointment.

91. (1) The Minister may nominate two individuals to the Board of Trustees.
- (2) The following bodies (nominating bodies) may each nominate one person to the Board of Trustees –
- (a) the National Toshias Council;
  - (b) the University of Guyana;
  - (c) the Private Sector Commission;
  - (d) the major donors to the Trust Fund acting collectively.
- (3) If any of the nominating bodies is unable to agree on a single nominee that body may

within two months of being invited to make a nomination to the Board of Trustees, submit a list of not more than three names to the Board of Trustees which may select from that list the individual which the Board of Trustees considers to be the best candidate.

(4) If the Board of Trustees fails to make a selection within twenty-one days, the Minister may make the selection from the list on behalf of the Board of Trustees.

(5) If a nominating body fails to submit a list as required by sub-section (3) above, the Board of Trustees may select an individual from any names submitted to the Board of Trustees by the members of the nominating body.

Selection criteria. 92. (1) A nominating body shall take into account the following criteria when nominating an individual –

- (a) personal integrity;
- (b) a commitment to the conservation of biological diversity in Guyana;
- (c) the ability and willingness to promote the Trust Fund and raise funds for it; and
- (d) at least one of the following –
  - (i) financial and marketing expertise;
  - (ii) high level experience in conservation and management of protected areas;
  - (iii) knowledge and experience in development issues.

(2) With the exception of the Trustee appointed by the major donors under section 91, a Trustee must be born in Guyana or be registered as a citizen of Guyana for not less than ten years.

- Approval of nominees. 93. A nominating body shall submit a nominee's name to the Board of Trustees and the nominee is deemed to be confirmed as a Trustee unless within twenty days of the submission by the nominating body, the Board of Trustees notifies the nominating body in writing that the Board of Trustees has rejected the nominee.
- First members of Board. 94. The first members of the Board of Trustees and every change in membership shall be published in the *Gazette*.
- Removal of Trustee. 95. (1) A Trustee who has been appointed by the President may be removed at any time by the President by notice in writing to the Trustee.  
(2) A Trustee who has been nominated by a nominating body may be removed at any time by that nominating body by notice in writing to the Trustee.
- Resignation, cessation. 96. (1) A Trustee may resign at any time by notice in writing to the Board of Trustees.  
(2) A Trustee automatically ceases to be Trustee if he becomes bankrupt or makes any composition with his creditors.  
(3) A Trustee automatically ceases to be Trustee if he –  
(a) is absent from four consecutive board meetings;  
(b) is in material breach of any code of ethics developed by the Trust Fund Board;  
(c) becomes of unsound mind; or  
(d) fails to declare any circumstances which create or could create a conflict of interest for that Trustee,

and the Board of Trustees passes a resolution terminating that Trustee's appointment.

Replacement of Trustee. 97. (1) If a Trustee is removed in accordance with section 95 the President may appoint a new Trustee provided that if the President does not appoint a new Trustee within two months of removing the previous Trustee, the Minister may on behalf of the President appoint a new Trustee to hold office until the expiry of the previous Trustee's term.

(2) If a Trustee is removed in accordance with section 95 the nominating body may appoint a new Trustee provided that if the nominating body does not appoint a new Trustee within two months of removing the previous Trustee, the Board of Trustees may appoint the new Trustee to hold office until the expiry of the previous Trustee's term.

(3) If a Trustee dies, resigns, or ceases to be a Trustee by operation of section 96, the Board of Trustees shall immediately notify the relevant nominating body which may nominate a new Trustee to hold office for the remainder of the term in which the vacancy arose and if no nomination is made within two months of the notification from the Board of Trustees, the Board of Trustees may appoint a replacement Trustee.

Term of appointment of Trustee. 98. (1) The term of an appointment as a Trustee is three years and a Trustee may serve up to two terms in total.

(2) Notwithstanding the provisions of subsection (1) the first term of the Trustees appointed under section 91 (2) paragraphs (b), (c) and (d) is limited to two years.

Duty to act in the best interests of the Trust Fund. 99. (1) A Trustee shall at all times act in the best interests of the Trust Fund.

best interests of the Trust Fund.

(2) A Trustee who has any interest, directly or indirectly in any matter before the Board of Trustees must disclose the nature of that interest to the Board and shall not take part in any discussions or decisions of the Board with respect to that matter.

(3) A Trustee shall inform the Board of any interest in or association with any matter before the Board of Trustees which that Trustee or an immediate family member may have.

Remuneration. 100. The Trust may reimburse Trustees for any reasonable expenses properly incurred in carrying out their duties.

#### PART IX

#### ESTABLISHMENT AND MANAGEMENT OF THE TRUST FUND

Establishment of the Fund. 101. (1) There is hereby established a Trust Fund to provide financing for the national protected areas system.

(2) The Trust Fund is separate from the funds of the Government and is not a Government asset.

(3) The Trust Fund may include the following –

(a) income derived from any Trust assets;

(b) income derived from the administration of property held by or behalf of the Trust;

- (c) grants made to the Trust Fund;
  - (d) money or assets lawfully contributed, donated or transferred to the Trust or received by the Trust Fund from any other source;
  - (e) income derived from other lawful sources.
- (4) The Board of Trustees may establish within the Trust Fund, endowment funds, revolving funds, sinking funds or such other funds as the Board of Trustees may consider appropriate.
- (5) An endowment fund established by the Board of Trustees is governed by the rules set out in the Third Schedule.

Duty to invest.

102. The Board of Trustees must –

- (a) ensure that the Trust Fund is properly managed and prudently invested in recognised international financial markets;
- (b) develop investment guidelines for the Trust Fund; and
- (c) ensure that the Trust Fund has a sufficiently diverse portfolio of investments in different currencies to protect the Trust Fund against market fluctuations in so far as reasonable.

Fund

Administrator.

103. (1) The Board of Trustees shall appoint a fund administrator to provide investment advice and investment management services.

(2) The fund administrator shall –

- (a) be selected through an open and competitive process;
- (b) be a body corporate which is registered in its jurisdiction of incorporation as carrying on the business of investment advice.

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- Earmarking. 104. (1) If any funds are paid to the Trust Fund subject to the condition that they are to be used for a particular protected area or to finance a particular component of a protected area's management plan the Trust Fund Board shall comply with such condition.
- (2) Subject to subsection (1), the Board of Trustees shall allocate funding to the national protected areas system and the individual protected areas in a manner best calculated to achieve the Trust's purposes.
- Expenditure. 105. The Trust Fund may pay for the following costs –
- (a) the costs incurred by the Trust Fund to carry out its functions including staff salaries, board meetings, office expenses, trustee expenses, and professional services including audit, accounting, financial and investment, and legal services;
  - (b) the costs incurred by the Commission to carry out its functions including staff salaries, board meetings, office expenses, scientific and other studies and assessments, professional services including audit, accounting, financial and investment, and legal services and implementation of the system plan;
  - (c) the costs of a national protected area including staff salaries, equipment and maintenance, office expenses, implementation and enforcement of management plans;
  - (d) the costs of implementation and enforcement of a management plan for an Amerindian protected area;
  - (e) the costs of any evaluation carried under section 111.

- Application for funding. 106. (1) A protected area may apply to the Board of Trustees for funding for a protected area.
- (2) The application shall be made by the management authority which is responsible for managing the protected area.
- (3) The application shall include the management plan as developed or approved by the Commission.
- Accounts. 107. The Board of Trustees shall ensure that proper accounts and other records are kept for the Trust Fund.
- Audit. 108. (1) The Board of Trustees shall appoint a reputable external independent auditor to audit the accounts of the Trust annually.
- Cap. 89:01 (2) The auditor shall be qualified for appointment as an auditor in accordance with section 170 of the Companies Act.
- (3) The Board of Trustees shall make available to the Auditor-General all such documents as the Auditor-General may require in order to carry out his statutory duties.
- Annual report. 109. The Board of Trustees shall prepare for each financial year of the Trust an annual report containing --
- Second Schedule (a) information on the Trustees in accordance with the Second Schedule;
- (b) a review of the Trust's activities for the year including an assessment of whether the

Trust has met its objectives;

- (c) a list of all grants made for the year;
- (d) a summary of administrative expenses;
- (e) an assessment of the Trust Fund Board's fundraising activities;
- (f) such as other information as the Trust Fund Board considers to be useful or relevant.

Submission of  
annual report to  
Minister.

110. (1) The Board of Trustees shall submit the annual report and accounts to the Minister within four months of the ending of the year to which they relate.
- (2) The Minister shall lay the accounts and annual report before Parliament within 2 months of receiving them from the Trust Fund Board.
- (3) The Board of Trustees shall make copies of the annual report available to the general public either free or at no more than the reasonable cost of photocopying.

Evaluation.

111. The Minister may appoint a professional and independent evaluator to evaluate the performance of the Board of Trustees including the extent to which the funding allocations made by the Board of Trustees have achieved the objectives of the national protected areas system.

Taxation.

112. The Trust Fund is exempt from all forms of taxation and duties including customs duties, stamp duty, consumption tax, capital gains tax, corporation tax, income tax, property tax, purchase tax, motor vehicles taxes, value added tax, licence fees, and any other taxes, charges, assessments, levies and imposts on any income or profits or on any assets acquired by the Fund.

## PART X

## ENFORCEMENT AND OFFENCES IN NATIONAL PROTECTED AREAS

- Appointment of park wardens. 113. The Commissioner may by appointment in writing appoint any suitable individual as a park warden.
- Powers of park wardens. 114. A park warden has the powers and immunities of a rural constable from the date of his swearing in as a rural constable.
- Arrangements with Police Force. 115. The Commission may enter into arrangements with the Police Force and the Coast Guard to ensure effective enforcement of this Act.
- Protection of biodiversity. 116. Any person, except persons under the Amerindian Act, who enters or remains in a national protected area that is a –  
 (a) Strict Nature Reserve;  
 (b) Wilderness Reserve;  
 (c) National Park;  
 (d) Natural Monument; or  
 (e) Management Area for Habitat or Species,  
 other than as permitted by the relevant management authority and on payment of any prescribed fee commits an offence and is liable to the penalties prescribed in paragraph (a) of the Fourth Schedule.
- Cap. 29:01
- Fourth Schedule
- Penalty for 117. Any person who removes a wild animal (or any part thereof) from a national protected

removing wild animal without permission. area (unless permitted by the relevant management authority) other than in the exercise of a traditional right commits an offence and is liable to the penalties prescribed in paragraph (b) of the Fourth Schedule.

Fourth  
Schedule

Penalty for killing wild animal without permission. 118. Any person who kills, harms, or injures any wild animal (unless permitted by the relevant management authority) in a national protected area and other than in the exercise of a traditional right commits an offence and is liable to the penalties prescribed in paragraph (b) of the Fourth Schedule.

Penalty for killing wild animal belonging to an endangered species.

119. Any person who kills or harms in a national protected area any wild animal that belongs to an endangered, vulnerable or threatened species commits an offence and is liable to the penalties prescribed in paragraph (c) of the Fourth Schedule.

Fourth  
Schedule

Penalty for removing wild animal belonging to an endangered species.

120. (1) Any person who removes from a national protected area any wild animal or a part of it that belongs to an endangered, vulnerable or threatened species commits an offence and is liable to the penalties prescribed in paragraph (c) of the Fourth Schedule.

Fourth  
Schedule

(2) Any person who damages, picks or removes from a national protected area any flora commits an offence is liable to the penalties prescribed in paragraph (a) of the Fourth Schedule.

(3) Any person who introduces into a protected area any species which is not an

indigenous species, commits an offence and is liable to the penalties prescribed in paragraph (a) of the Fourth Schedule.

Penalty for  
damaging  
archaeological find  
or site.

121. Any person who destroys, defaces or otherwise damages any archaeological find or any archaeological site commits an offence under paragraph (a) of the Fourth Schedule.

Prohibition on  
mining.

Cap. 29:01

122. Any person, except persons under the Amerindian Act, who mines, quarries, drills or removes any minerals, stone, gravel, earth, sand, or other substances or prospects for such substances in a national protected area commits an offence under paragraph (a) of the Fourth Schedule.

Penalty for  
damaging tree,  
plant or vegetation.

123. Except with the permission of the management authority any person who lights any fire or clears, burns or otherwise damages any tree, bush, plant or other vegetation commits an offence under paragraph (a) of the Fourth Schedule.

## PART XI

### SPECIAL PROVISIONS FOR THE NATIONAL PARKS COMMISSION

Repeal of certain  
provisions of the  
National Parks  
Commission Act.

Cap. 20:06

124. The provisions relating to the National Parks Commission Act that are provided for in this Act or are inconsistent with the provisions of this Act are repealed.

Transfer of assets to Commission. 125. The Minister may by order transfer some of the assets of the National Parks Commission to the Commission.

## PART XII

### SPECIAL PROVISIONS FOR THE IWOKRAMA INTERNATIONAL CENTRE FOR RAIN FOREST CONSERVATION AND DEVELOPMENT

Agreements by the Commission. 126. The Commission may enter into agreements, memoranda or other arrangements with the Iwokrama International Centre for Rain Forest Conservation and Development in order to further the objectives of this Act and such agreements, memoranda or other arrangements may include –

- (a) development of joint or complementary strategies for research into biological diversity and the related issue of protection of intellectual property;
- (b) exchange of information on protected areas management best practice;
- (c) development of joint or complementary strategies for the recognition and protection of traditional rights;
- (d) joint approaches to identifying, quantifying and seeking payment for ecosystem services.

## PART XIII

### MINISTER'S POWERS AND FUNCTIONS

Emergency protection order. 127. Where in the opinion of the Minister an area of public lands is under the threat of serious or irreversible harm to or loss of biodiversity or habitat or serious or irreversible harm to any ecosystem process, the Minister may by an emergency protection order published in

the *Gazette* declare the area to be an interim protected area.

- When emergency Order in force. 128. While an emergency protection order is in force no further rights may be granted over such lands and any grant or attempted grant is invalid.
- Investigation by the Commission. 129. The Commission shall carry out an investigation under this Part and recommend to the Minister whether the area should be declared a protected area.
- Interim protection Order. 130. An interim protection Order expires after six months and may be renewed once for a further six months by the Minister.
- Regulations. 131. The Minister may make regulations to give effect to the provisions of this Act including:
- (a) procedures for consultation and stakeholder involvement;
  - (b) standards and procedures for social impact assessments;
  - (c) research permits;
  - (d) access and entry to national protected areas;
  - (e) forms and procedures for Amerindian protected areas;
  - (f) forms and procedures for privately managed protected areas;
  - (g) any other matter to give effect to the provisions of this Act.

### FIRST SCHEDULE

#### The Board of Directors of the Commission

The Board of Directors of the Commission –

- (a) The Board shall elect from its members a Chairman who shall preside at all Board

meetings.

- (b) In the absence of the Chairman the Commissioner shall preside over the Board meeting and in the absence of both the Chairman and the Commissioner the members of the Board present and constituting a quorum shall elect one of their number to preside at that meeting.
- (c) The Board shall appoint a Secretary who may be a member of the Board.
- (d) The Board shall meet at such time and at such places as the Board may determine provided that the Board shall meet at least once every calendar month.
- (e) The Secretary shall call a special meeting if requested in writing to do so by the Chairman or by the Commissioner or by a majority of the Board.
- (f) Questions proposed at a Board meeting shall be determined by consensus and in the absence of consensus shall be decided by a simple majority.
- (g) The quorum for a Board meeting is five.
- (h) A Board member may participate in a Board meeting by telephone or video-conferencing if a majority of the other Board members at that meeting agree.
- (i) The Commission shall reimburse a Board member (other than the Commissioner) for travel, accommodation, subsistence and other expenses incurred wholly by that Board member in the performance his duties as a Board member.
- (j) A Board member is not liable for any act done or omitted to be done by the Board in good faith in the course of carrying out its functions under this Act.

**SECOND SCHEDULE** s. 89

**Operating rules for the Board of Trustees of the Trust**

1. The quorum for a Board of Trustees meeting is five.
2. The Board of Trustees shall hold its meetings in Guyana.
3. The Board of Trustees shall hold its first meeting as soon as practicable after the appointment of a quorum and at that meeting shall –
  - (a) appoint a Chairman;
  - (b) appoint a Vice-Chairman;
  - (c) appoint a Secretary;
  - (d) begin the recruitment process for an Executive Director;
  - (e) begin the process to select a fund administrator or investment manager.
4. The Board of Trustees shall not later than six months from its first meeting hold a second meeting to –
  - (a) adopt an operations manual;
  - (b) authorise the opening of bank accounts;
  - (c) adopt an investment policy;
  - (d) adopt a fund distribution policy.
5. The Board of Trustees shall meet at least twice annually and not more than eight months may elapse between one Board meeting and the next.
6. The Board of Trustees may hold additional meetings as may be necessary in order to carry out its duties properly.
7. The Board of Trustees shall act collectively at all times on the basis of consensus and in the event that the Board is unable to reach a consensus a decision shall be made on the basis of a majority vote.

8. Notwithstanding Rule 7 above a change in the investment policy shall be authorised by at least two-thirds of the Trustees.
9. A resolution in writing signed by all of the Trustees for the time being appointed to the Trust Fund is as valid as if it had been passed at a meeting of the Board.
10. The Trustees shall elect a Chairman and Vice-Chairman.
11. The Chairman shall not have a casting vote.
12. The Board of Trustees may establish such committees as the Board considers to be reasonably necessary or beneficial for achieving the objectives of the Trust and may invite members of the public to serve on such committees on an *ad hoc* voluntary basis.
13. The Board of Trustees may invite members of the public to serve on *ad hoc* basis on any committee established under rule 12 above provided that such individuals possess personal integrity and a strong commitment to the conservation of biological diversity in Guyana.
14. The Board of Trustees shall ensure that an annual budget is prepared which shall include --
  - (a) the Trust Fund's operating costs;
  - (b) the amount of funds that are available for support to protected areas;
  - (c) the amount of funds (if any) to be allocated to the SGP.
15. Where the Board of Trustees is authorised to make an appointment under this Act, the Board shall do so in writing.
16. The Board of Trustees shall hire an Executive Director who possesses relevant management experience and skills.

17. The duties of the Executive Director include –

- (a) overseeing the day to day operations of the Trust;
- (b) recruiting and hiring a financial officer subject to the Board of Trustees' approval;
- (c) recruiting and hiring such other staff as may be required in the reasonable opinion of the Executive Director;
- (d) implementing the fundraising strategy;
- (e) carrying out the decisions and policies of the Board of Trustees;
- (f) representing the Trust Fund in its dealings with Government, multilateral and bilateral donors, financial institutions and others;
- (g) supervising the Fund Administrator;
- (h) overseeing the preparation of the annual reports and budget for presentation to the Board of Trustees.

18. The Board of Trustees may, subject to the provisions of this Act –

- (a) adopt rules to regulate the proceedings of the Board;
- (b) adopt a code of ethics for Trustees to follow;
- (c) develop a fundraising strategy;
- (d) adopt the investment and expenditure policies of the Fund;
- (e) adopt policies for staff management, health and safety, the environment and such other policies as the Board of Trustees deems necessary; and
- (f) fix the terms and conditions for the employment of the Executive Director and other staff.

19. The Board of Trustees shall review and update the investment policy on a

- regular basis and at least once every five years, taking into account the needs of the Trust and changes in the investment markets.
20. The Board of Trustees may maintain separate accounts for different protected areas.
  21. The Board of Trustees shall open an investment account to be held in such currencies and in such locations as will ensure the greatest financial security and return to the Fund.
  22. The Trust Fund shall be operated only by cheque or by written instructions signed by two authorised Trustees or by a Trustee and the Executive Director.
  23. The Board of Trustees shall open and maintain with an approved financial institution in Guyana listed in rule 27 –
    - (a) a Trust Account; and
    - (b) any other bank accounts as are necessary for proper administration of the Fund including compliance with the disbursement obligations of the Board of Trustees.
  24. The financial year of the Trust is from 1<sup>st</sup> January to 31<sup>st</sup> December.
  25. The Board of Trustees shall from time to time and not less than once every five years appoint an independent evaluator to assess the effectiveness of the Trust and make recommendations to improve the institutional and financial arrangements.
  26. The Board of Trustees may create a consultative body of former board members which shall have no decision making power but which may be called upon to provide advice and support in enabling the Board to fulfil its

obligations under this Act.

27. The following financial institutions are approved for the purpose of rule 23 –

- (a) Bank of Guyana;
- (b) Demerara Bank Limited;
- (c) Citizens' Bank;
- (d) Republic Bank;
- (e) Scotia Bank;
- (f) Guyana Bank of Trade and Industry.

### THIRD SCHEDULE ss. 101 (4) and (5)

#### Endowment Fund

Maintenance of  
capital.

1. The endowment fund is intended to be invested in order to provide long-term financing for the national protected areas system.
2. The Trust Fund Board must take all reasonable steps to maintain the capital value of the endowment fund.
3. If in any accounting year the contributions to the endowment fund are less than the amount needed to maintain the capital value of the endowment, the Trust Fund Board may allocate revenue from the Trust Fund, including revenue from the endowment fund, to the capital of the endowment fund provided that any such allocation does not conflict with the terms upon which funding was provided to the Trust Fund.

Use of Capital.

4. In the event that the Trust Fund does not have sufficient revenue to meet all of the costs of the national protected areas system, the Board of Trustees may use capital from the endowment fund to cover the costs incurred by the Protected Areas Trust, the Protected Areas Commission and by individual protected areas, but the Board of Trustees shall take all reasonable steps to restore the capital value of the endowment fund as soon as possible.

#### FOURTH SCHEDULE

##### PENALTIES

ss. 83, 116, 117, 118, 119

120, 121, 122, 123

Paragraph Prescribed Penalties

- (a) A fine of not less than ten thousand dollars nor more than fifty thousand dollars.
- (b) A fine of not less than seventy thousand dollars nor more than three hundred thousand dollars.
- (c) A fine of not less than seventy-five thousand dollars nor more than five hundred thousand dollars.
- (d) A fine of not less than one hundred thousand dollars nor more than seven hundred and fifty thousand dollars.

- (e) A fine of not less than four hundred thousand dollars nor more than one million dollars.
- (f) A fine of not less than five hundred thousand dollars nor more than two million dollars and one hundred thousand dollars per day for continuance of activity with imprisonment for five years for repeating activity after the second instance.

Provided, that where the offender, liable to a prescribed fine under any of the aforesaid paragraphs is a body corporate, the body corporate shall be liable to a fine of not less than twice such prescribed maximum fine, and, where the offender liable to a prescribed term of imprisonment under any of the aforesaid paragraphs is a body corporate, the body corporate shall be liable to twice such term of imprisonment.

*Passed by the National Assembly 7<sup>th</sup> July, 2011.*



S.E. Isaacs,

Clerk of the National Assembly.

**(BILL No. 11/2011)**