

**NO. OF 2013**

**FORESTRY, PROTECTED AREAS AND WILDLIFE CONSERVATION BILL  
2013**

**DECEMBER 2013**

## ARRANGEMENT OF SECTIONS

Preamble

Enactment

### PART I

#### PRELIMINARY

1. Short title and commencement
2. Interpretation
3. Act binds the State
4. Principles

### PART II

#### ADMINISTRATION

5. Duties of the Minister and the Chief Secretary
6. Administration and Implementation of this Act
7. Cooperation between the Authority and the Department
8. Establishment and incorporation of the Authority
9. Powers of the Authority and the Department
10. Functions of the Authority and the Department
11. Board of Directors and Constitution
12. Appointment of members
13. Resignation of office
14. Vacancy in Board membership
15. Remuneration allowance
16. Meetings of the Board and the Chief Secretary
17. Managing Director and Corporate Secretary

18. Seal of the Authority
19. Delegation
20. Staffing
21. Public Officers in Service
22. Pension Fund Plan
23. Superannuation Benefits
24. Superannuation Benefits on Death
25. Calculation of Superannuation Benefits
26. Secondment
27. Terms of Secondment
28. Continuation of Representation by Association
29. Agreement binding on Representative Association
30. Continuation of Collective Agreement and Other Agreements
31. Right to register or join a trade union
32. Minister may give general directions
33. Authority and Department to make assessment
34. Annual report
35. National Biodiversity Information System

### PART III

#### FORESTS AND FOREST RESOURCES

36. National Forest Policy
37. Identification and monitoring
38. Timber Harvesting Permit
39. State Lands Timber Harvesting Permit
40. Concession Area Timber Harvesting Permit
41. Log Haulage Permit
42. Timber Transportation Permit
43. Duty of Permittee to take reasonable care
44. Destination of Harvested Timber and Timber Collection Facility Permit
45. Timber Export Permit

- 46. Sawmill Permit
- 47. Furniture Manufacturing Facility Permit
- 48. Non-Timber Forest Products Extraction, Removal and Transportation Permit
- 49. Charcoal Permit

## PART IV

### DESIGNATION AND MANAGEMENT OF PROTECTED AREAS

- 50. Immediate designation of protected areas
- 51. Protected Areas
- 52. Revision of NPAP
- 53. Designation and Vesting of Protected Areas
- 54. Notice of intention to designate a protected area
- 55. Publication of Designation Order in Gazette
- 56. Responsibility for management of protected areas
- 57. Temporary Protected Areas
- 58. Private land in temporary protected areas
- 59. Private land in protected areas
- 60. Agreement to manage private land as protected area
- 61. Establishment of buffer zones
- 62. Buffer zone management plan
- 63. Revocation and variation of designation orders
- 64. Restrictions on disposal of State land in protected areas
- 65. Restrictions on development in protected areas
- 66. Requirement for Protected Area Special Development Permit for Existing Activities
- 67. Operations by governmental entities in protected areas
- 68. Harvesting, Haulage or Transportation of Timber from Protected Areas
- 69. Responsibility for prevention and control of fires.

- 70. Fire Permit
- 71. Protected Forest

## PART V

### WILDLIFE CONSERVATION

- 72. National Wildlife Policy
- 73. Identification and monitoring
- 74. Protected Species
- 75. Partially Protected Fauna
- 76. Wildlife Hunting Return
- 77. Partially Protected Flora
  
- 78. Actions against Protected and Partially Protected Species of Fauna and Flora
- 79. Preservation Order
- 80. Permit required for trade
  
- 81. Fauna and Flora Dealer Permit
- 82. Partially Protected Flora and Fauna Possession Permit
- 83. Protected Flora and Fauna Possession Permit
- 84. Disposal of Carcass or Meat of Protected Species
- 85. Permit required for Scientific Research
- 86. Flora and Fauna Propagation Permit
- 87. Fauna Rehabilitation Centre Permit
- 88. Living Modified Organisms

## PART VI

### MULTILATERAL ENVIRONMENTAL AGREEMENTS

- 89. Incorporation of Multilateral Environmental Agreements
- 90. Applicability to agreements

## PART VII

### AUTHORISED OFFICERS

- 91. Appointment of authorised officers
- 92. Appointment of wardens

## PART VIII

### MONITORING, INSPECTION AND ENFORCEMENT

- 93. Powers of entry, search and seizure
- 94. Power to arrest
- 95. Offender to be taken to nearest police station
- 96. Production of seized items
- 97. Sampling and testing

## PART IX

### ENFORCEMENT NOTICES AND CESSATION ORDERS

- 98. Enforcement Notices
- 99. Authority may take steps to ensure cessation of activity

## PART X

### ENVIRONMENTAL REQUIREMENTS

100. Environmental Requirement

## PART XI

### CIVIL ADMINISTRATIVE PROCEEDINGS

101. Notice of Violation  
102. Referral of the matter to the DPP  
103. Administrative Civil Assessment  
104. Other actions by the Authority or Department

## PART XII

### CRIMINAL PROCEEDINGS

105. Criminal Procedure  
106. Responsible Corporate Officer

## PART XIII

### OFFENCES

107. Offences

## PART XIV

### JURISDICTION OF THE ENVIRONMENTAL COMMISSION OF TRINIDAD AND TOBAGO

108. Jurisdiction of the Environmental Commission  
109. Standing  
110. Decision of Commission final

## PART XV

### FORESTRY, PROTECTED AREAS AND WILDLIFE CONSERVATION FUNDS AND FINANCE

- 111. Establishment and purpose of Funds
- 112. Trustees of the Funds
- 113. Resources of Funds
- 114. Investment of Fund monies
- 115. Borrowing powers of the Authority
- 116. Authority to be a Statutory Authority
- 117. Expenses and accounts of the Authority and the Department
- 118. Report to the Minister
- 119. Authority and Department to submit estimates
- 120. Exemption from taxes

PART XVI  
REGULATIONS AND RULES

- 121. Regulations

PART XVII  
MISCELLANEOUS

- 122. Amendment of Schedules
- 123. Fees
- 124. Forms
- 125. Service of Documents
- 126. Intervention by the Attorney General
- 127. Ethical Standards and Prohibitions
- 128. Conflict of Interest
- 129. Acts done in good faith
- 130. Reservation of civil remedies
- 131. Relationship with other Governmental Entities
- 132. Limitation of action
- 133. Repeals, savings, amendments, transitionals



- 134. Service of Documents
- 135. Application of Customs Act

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

FOURTH SCHEDULE

FIFTH SCHEDULE

SIXTH SCHEDULE

## **A BILL FOR**

**AN ACT** to repeal and replace the Conservation of Wildlife Act, Ch. 67:01, Forests Act, Ch. 66:01, Sawmills Act, Ch. 66:02 and to amend the Environmental Management Act, Ch. 35:05, Fisheries Act, Ch. 67:51, State Lands Act, Ch. 57:01, Water and Sewerage Act, Ch. 54:40, National Trust of Trinidad and Tobago Act, Ch. 40:53, and Marine Areas (Preservation and Enhancement) Act, Ch. 37:02 and to provide for the preservation, protection and management of designated protected areas, for the regulation of the scientific, economic, recreational, and educational use of these areas, for the conservation and sustainable use of wildlife, forests and forest resources, for the establishment of a Forest and Protected Areas Management Authority, for the establishment of a Forestry, Protected Areas and Wildlife Conservation Fund for Trinidad and for Tobago and for matters connected therewith.

Preamble

**WHEREAS** the Government of the Republic of Trinidad and Tobago (“the Government”) is committed to the preservation, protection and management of certain forests, designated areas and wildlife which are at best representative of the biological diversity which gives Trinidad and Tobago its unique character;

And whereas it is necessary to regulate scientific, economic, educational, cultural, archaeological and recreational use and to preserve these forests, designated protected areas and wildlife for their intrinsic worth and benefit to the people of Trinidad and Tobago;

Enactment

**ENACTED** by the Parliament of Trinidad and Tobago as follows:

## PART I

### PRELIMINARY

Short title and  
commencement

1. This Act may be cited as the Forestry, Protected Areas and Wildlife Conservation Act, 2013 and shall come into operation on such day as is fixed by the President by Proclamation.

Interpretation

2. In this Act, unless the context otherwise requires:-

“activity” means the erection of a structure or part thereof, the carrying out of any work in, on, over or under the land or sea, the use of any building in any land or marine area, the hunting of fauna, harvesting of flora and the exploitation of natural resources;

“Act” means the Forestry, Protected Areas and Wildlife Conservation Act, 2013 and any subsidiary legislation made pursuant to it;

“ammunition” means—

(a) ammunition for any firearm of any kind;

(b) every shell, cartridge case, bomb, hand grenade, bullet or like missile, whether containing any explosive or gas or chemical or electrical charge or not, and whether intended to be discharged from or by any gun or other propelling or releasing instrument or mechanism or not, except missiles which can be used only for the purpose of extinguishing fires;

(c) every part of any such shell, cartridge case, bomb, hand grenade, bullet or missile, whether such shell, cartridge case, bomb, hand grenade, bullet or missile may have been completely formed at any

time or not;

(d) every fuse, percussion cap, or priming cap, adapted, or prepared for the purpose of causing the propulsion of or exploding any shell, bomb, hand grenade, bullet or other projectile;

(e) every bullet clip or cartridge clip;

(f) any explosive when enclosed in any case or contrivance adapted or prepared so as to form a cartridge, charge or complete round for any firearm or any other weapon, or to form any tube for firing explosives, or to form a detonator, or a projectile, which can be used (whether singly or in suitable combinations) as, or in connection with, a missile; and

(g) everything declared by Order of the President to be ammunition in accordance with the Firearms Act Ch. 16:01.

“Authority” means the Forest and Protected Areas Management Authority established under this Act;

“authorised officer” includes any officer in the Environmental Management Authority; Trinidad and Tobago Police Service; Trinidad and Tobago Defence Force; Customs and Excise Division of the Ministry of Finance; Animal Production and Health Division of the Ministry of Health and any person authorised by the Authority or the Department to discharge any function under this Act;

“biological diversity” means the variety of living organisms considered at all levels from genetics through species, and includes the variety of communities and ecosystems;

“buffer zone” means any land or marine area declared under this Act to be a buffer zone adjacent to a protected area;

“Board” means the Board of the Forest and Protected Areas Management Authority established under this Act;

“Chief Fire Officer” means the person appointed to the office of Chief Fire Officer under the Fire Service Act;

“Chief Secretary” means the means the person elected as such under section 8 of the Tobago House of Assembly Act and includes the Deputy Chief Secretary where the context so requires or their respective representatives;

“co-management” means a process of management of a protected area by which the Authority, the Department or competent body shares power with any person, with each given specific rights and responsibilities;

“community” means a group of individuals of several species that occur together in an ecosystem;

“concession” means an invitation from the Minister to harvest timber in a concession area;

“concession area” means an area owned or controlled by the State designated for harvesting timber;

“confidential business information” means information which concerns or relates to the trade secrets, processes, operations, style of works, or apparatus, or to the production, sales, shipments, purchases, transfers, identification of customers, inventories, or amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or other organization, or other information of commercial value, the disclosure of which is likely to have the effect of causing substantial harm to the competitive position of the person, firm, partnership, corporation, or other organization from which the information was obtained, unless the disclosure of such information is in the public interest.

“conservation” includes preservation, protection, management, sustainable use, rehabilitation and restoration;

“conveyance” includes any motor vehicle, boat, vessel or aircraft, whether afloat or submerged which is capable of the transport

of persons, fauna, flora, and things, and any mechanically propelled apparatus used for conveying or transport and any trailer, caravan or apparatus controlled upon land, water or air by mechanical means, animal or wind power;

“Critically Endangered” means a species of fauna or flora which on the best available evidence indicates that it meets any of the criteria established in the IUCN *Red-List Categories (RLC) and Criteria (C) Version 3.1*, Second Edition 2000 and is therefore considered to be facing an extremely high risk of extinction in the wild;

“cultivated species” means a species of flora or micro-organism, the form and growth of which have been developed over a long time by human care or by human genetic or human environmental intervention;

“deforestation” means the removal or permanent loss of forest cover;

“Department” means the Department of Natural Resources and Environment of the Tobago House of Assembly;

“designated area” means an area designated under sections 50 and 51 but shall exclude any private lands falling within the designated area;

“domesticated species” means an animal the form and growth of which has been modified through the provision of food, protection from predators and selective breeding over several generations of living in association with human beings;

“ecological process” means continuous action or series of actions that is influenced by one or more ecosystems;

“ecosystem” means an integrated assemblage of native species that inhabit a particular area in nature and associated physical environment;

“endangered” means a species of fauna or flora which on the best

available evidence indicates that it meets any of the criteria established in the IUCN *Red-List Categories (RLC) and Criteria (C) Version 3.1*, Second Edition 2000 and is therefore considered to be facing a very high risk of extinction in the wild;

“environment” means all land, area beneath the land surface, atmosphere, climate, surface, surface water, groundwater, sea, marine and coastal areas, seabed, wetlands and natural resources within the jurisdiction of Trinidad and Tobago, and “environmental” shall have the corresponding meaning;

“exercising hounds” means the practice of allowing dogs used for hunting partially protected species of fauna to pursue partially protected species of fauna during a closed season without actually capturing or injuring the partially protected species of fauna;

“exploitation” means the taking or use of natural resources by human beings;

“extinction” means the death of the last surviving individual of a species, population, or group;

“facility” means any location or premises, whether natural or man-made, or buildings;

“fauna” means any member of the animal kingdom, whether dead or alive, in any stage of biological development, and any part of product thereof;

“final determination” means a final decision of the Authority or Department or determination of judicial or administrative proceedings;

“flora” means any member of the plant kingdom, whether alive or dead, in any stage of biological development and any part or product of these;

“forest” means ecosystems occurring on areas of land with existing

or potential tree canopy of at least fifty percent (50%) that cover a minimum land area of zero point four hectares (0.4 ha.);

“forest conservation area” means an area of land whether owned by the State or privately owned requiring the implementation of conservation practices and management control in order to –

- (a) prevent or limit sedimentation, pollution or erosion for the maintenance of a clean and reliable supply of water for domestic, industrial or commercial use;
- (b) maintain the soil or water resources in productive state for agricultural development and the productivity or stability of surrounding areas;
- (c) stabilise an area that is in a dangerous or unstable state above roadsides, along rivers and stream banks, or near residential or industrial areas or an area within which the water resources of the area are in a polluted condition which may be injurious to the health of human beings, flora or fauna; or
- (d) restrict and manage activities in any area above the ninety (90) metre contour;

“forestry” means the science, art and practice of understanding, managing and making sustainable use of the natural resources associated with, and derived from forests;

“Furniture Manufacturing Facility” means every shop or place where wooden products are manufactured and in which power saws, breakdown saws and, in particular, small band and circular saws are kept;

“governmental entity” means any government agency, statutory body and any other enterprise or institution which, in whole or in part, is publicly funded or owned by the government;

“habitat” includes –

- (a) the physical, chemical and biological conditions in a locale



surrounding and sustaining a living organism, population or community; and

(b) an area where an organism, population or community is living, has lived, or has the potential to be reintroduced;

“habitat or species management reserve” means terrestrial, marine or freshwater areas or combinations of these reserved primarily to protect particular species or habitats;

“harvest” means to pick, cut, take or destroy, and any attempt to do, or the giving of assistance in doing any of these things;

“hound” means any dog normally used for hunting fauna;

“hunt” means to kill, wound, pursue, capture, take, trap, injure, shoot at, wilfully disturb or molest, and any attempt to do, or the giving of assistance in doing any of these things;

“invasive alien species” means species whose introduction and/or spread outside their natural past or present distribution threatens biological diversity;

“land” includes the soil, subsoil, rocks and minerals, air space above the soil, subsoil, rocks and minerals and water above in or below the soil, subsoil, rocks and minerals;

“landscape or seascape” means terrestrial, marine or freshwater areas or combinations of these areas, which shall be reserved primarily to protect areas where the interaction of people and nature over time has produced an area of distinct character with significant ecological, biological, cultural and scenic value, and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values;

“livestock” includes cattle, horses, mules, asses, goats, swine, sheep and any animal reared for human use;

“living modified organism” means any living organism that possesses a novel combination of genetic material obtained through

the use of modern biotechnology;

“marine” includes –

- (a) the body of water in or below the sea bed, and rocks and minerals;
- (b) the air space above water; and
- (c) any species of fauna or flora in or on the body of water and in the air space above;

“member” means a member of the Board of the Authority;

“micro-organisms” means any member of the Kingdoms Monera, Protista or Fungi, whether alive or dead, in any stage of biological development, and any part or product of these;

“Minister” means the Minister with responsibility for forests and forest resources, protected areas and conservation of wildlife;

“NFP” means National Forest Policy;

“NPAP” means National Protected Areas Policy;

“NWP” means National Wildlife Policy;

“native species” means those species that are indigenous to or periodically or permanently resident in Trinidad and Tobago and not introduced by humans beings or any other means;

“natural landmarks” means terrestrial, marine or freshwater areas or combinations of these reserved primarily to protect specific outstanding natural features (including landforms, seamount, submarine caverns, springs, water falls, mountains, sea coves, geological features such as caves or living features such as ancient groves or archaeological sites) and their associated biological diversity and habitats;

“natural monument” means an area containing one, or more specific natural or cultural features which are of outstanding or unique value because of their inherent rarity, representative or aesthetic qualities or cultural significance.

“natural resources” means the living species of fauna and flora,

micro-organisms and other biological factors within the environment, and the geologic formations, mineral deposits, renewable and non-renewable assets, and the habitat of the living species of fauna and flora, micro-organisms and other biological factors;

“naturally colonizing species” means species that reach Trinidad and Tobago from foreign lands via natural processes of wind and water dispersal (e.g. in air or sea currents);

“Near-Threatened” means a species of fauna or flora which on the best available evidence indicates that it does not meet any of the criteria established in the IUCN *Red-List Categories (RLC) and Criteria (C) Version 3.1*, Second Edition 2000 to be classified as Critically Endangered, Endangered or Vulnerable but is close to qualifying for or is likely to qualify as Critically Endangered, Endangered or Vulnerable in the near future;

“non-timber forest products” means all materials of biological origin other than wood derived from forests, other wooded land and trees outside forests;

“offence” means any offence punishable under this Act;

“partially protected species of fauna” means species of fauna designated as such pursuant to section 75;

“partially protected species of flora” means species of flora designated as such pursuant to section 77;

“pensionable salary” has the meaning given to it by the pension fund plan established under Section 22 of this Act;

“permit” means a permit required under this Act;

“person” includes any individual or any firm, business, company, enterprise, body corporate, trust, unincorporated association, partnership, or governmental entity, however constituted;

“person having a legal interest in land” includes any person having

lawful title to private land or other private property and any occupier, licensee or lessee of such land or property;

“population” means group of individuals belonging to the same species that inhabit a specific geographic location at a specific point in time.

“premises” means any location within the environment and includes any facility, development, conveyance, vehicle, vessel, including marine vessel, or natural or man-made structure;

“private land” means land other than State land;

“property mark” means a mark placed on timber to denote that after all purchase money or royalties due to the Government have been paid, the owner has or will have a right of property in the timber;

“proponent” means a person proposing or executing an activity or development;

“protected area” means any area of land or sea (including soil, sub-soil, airspace, associated water bodies, water column or seabed) reserved or declared under this Act as a scientific reserve, a special conservation reserve, natural landmark, a habitat or species management reserve, a protected landscape or seascape, a sustainable use reserve, a forest conservation area or natural monument, and which areas also provide for ecologically and culturally compatible spiritual, scientific, educational, recreational, archaeological and visitor opportunities;

“protected forest” means an area of privately forested lands in the possession of a person having a legal interest in such managed to avoid degradation or misuse of forest resources;

“protected species” means species of fauna and flora designated as such pursuant to section 74;

“rare” means the condition of a gene, species, population,

community or ecosystem as being of lower abundance or occurrence than is desirable or expected according to ecological principles;

“Recovery Plan” means a plan or policy that describes the activities necessary to allow an endangered species to recover its numbers to a secure status;

“reforestation” means the re-establishment of forest formations after loss of cover due to human-induced or natural disturbances;

“sawmill” means any mill, fixed or mobile, designed and used to break down and convert logs into boards, planks or scantlings, or to re-saw the boards, planks or scantlings into boards, planks or scantlings of small dimensions and shall include a power saw of eighty cubic centimetres or more;

“scientific reserve” means terrestrial, marine or freshwater areas or combinations of these reserved primarily to protect nationally, regionally, or globally outstanding ecosystems, species and/or geo-diversity features that have been formed mostly or entirely by non-human forces and which would be degraded or destroyed if subjected to all but very light human impact;

“Secretary” means the Secretary of the Department of Natural Resources and Environment of the Tobago House of Assembly;

“species” means a group of biological entities that interbreed or possess common characteristics derived from a common gene pool;

“special conservation reserves” means unmodified or slightly modified terrestrial, marine or freshwater areas or combinations of these reserved primarily to protect the long-term ecological integrity where natural forces and processes predominate;

“specimen” means any species, whether alive or dead, any shell,

skin, plumage, nest, eggs, part or derivative thereof, and includes any goods which from an accompanying document, the packaging, mark or label or from other circumstances appear to be parts or derivatives of fauna or flora;

“State land” includes—

- (a) the waste or vacant land of the State within Trinidad and Tobago; and
- (b) all lands vested in the State, whether by forfeiture, escheat, purchase or exchange, and not dedicated to the public;

“structure” includes any part of a premise;

“sustainable use” means the exploitation of natural resources at such a rate that they can renew themselves indefinitely and are not depleted or destroyed;

“sustainable use reserve” means a terrestrial, marine or freshwater areas or combination of these reserved primarily to conserve ecosystems, habitats and species, together with associated cultural values and traditional uses, through the implementation of natural resource management systems for the regulation of consumptive use of resources;

“timber” means all species of timber or trees, whether standing, fallen, living or dead; lumber, bucked or peeled; logs; and all wood whether cut up or fashioned for a purpose or not;

“Timber Collection Facility” means a facility approved by the Authority or the Department other than a sawmill where timber harvested pursuant to a Private Timber Harvesting permit or a State Lands Timber Harvesting permit or a Concession Area Timber Harvesting permit is stored prior to being processed;

“Tobago” means the island of Tobago comprising all areas of land and those areas of the sea having as their inner limits the baselines of Tobago as determined in accordance with section

5 of the Territorial Sea Act, and as their outer limits, a line measured seaward from those baselines, every point of which is distant six nautical miles from the nearest point of those baselines unless the contrary is expressly stated therein;

“Tobago Fund” means the Forestry, Protected Areas and Wildlife Conservation Fund established for the implementation of the Act in Tobago;

“trade secret” means a secret, commercially valuable plan, formula, or process that is used for making commodities, and that can be said to be the end product of either innovation or a substantial effort;

“Trinidad” means the island of Trinidad comprising all areas of land and sea within the jurisdiction of Trinidad and Tobago but expressly excluding the areas of land and sea falling within the definition of Tobago;

“Trinidad Fund” means the Forestry, Protected Areas and Wildlife Conservation Fund established for the implementation of the Act in Trinidad;

“Vulnerable” means a species of fauna or flora which on the best available evidence indicates that it meets any of the criteria established in the IUCN *Red-List Categories (RLC) and Criteria (C) Version 3.1*, Second Edition 2000 and is therefore considered to be facing a high risk of extinction in the wild;

“watershed” means the specific land area that drains water into a river system or other body of water;

“weapon” means any gun, air-gun, blowpipe, set gun, trap gun, sling shot, bow and arrow, lethal barrelled instrument and any article from which any ammunition or projectile may be discharged and any component part or accessory of any of

these;

“wildlife” means all native fauna, flora or micro-organisms, not including any domesticated or cultivated species, and which save and except where possessed through a permit, is deemed to be owned by the State.

Act binds the State

**3.** This Act binds the State.

Principles

**4.** The principles set out in the National Environmental Policy, National Forest Policy, National Protected Areas Policy, National Wildlife Policy and other national policies shall guide the interpretation, administration and implementation of this Act.

## PART II

### ADMINISTRATION

Duties of the Minister  
and the Chief Secretary

**5.** It is the duty of the Minister and the Chief Secretary to:

- (a) cooperate to secure consistency and continuity in the implementation of this Act; and
- (b) develop and promote national policies and programmes so as to ensure the sustainable management of protected areas, and conservation of wildlife, forests and forest resources are integrated into governmental decision-making at all levels.

Administration and  
Implementation of this  
Act

**6.** (1) This Act shall be administered, implemented, and enforced in Tobago by the Chief Secretary and the Department.



(2) This Act shall be administered, implemented and enforced in Trinidad by the Board and the Authority.

(3) Where any matter arising or connected with administration, implementation and enforcement of this Act involves both islands of Trinidad and Tobago, such matter shall be implemented, administered and enforced in such manner as the Board and the Chief Secretary shall agree and, in the absence of such agreement, as the Minister and the Chief Secretary may direct.

Cooperation between  
the Authority and the  
Department

7. (1) The Department may, from time to time, request the assistance of the Authority in the execution of its functions and the Authority shall provide such assistance where reasonably required.

(2) The Authority may, from time to time, request the assistance of the Department in the execution of its functions and the Department shall provide such assistance where reasonably required.

Establishment and  
incorporation of the  
Authority

8. For the purposes of this Act and its administration, implementation and enforcement in Trinidad there is hereby established a Forest and Protected Areas Management Authority (“the Authority”) which shall be a body corporate with perpetual succession and with a common seal.

Powers of the Authority  
and the Department

9. (1) The Authority and the Department shall have the powers conferred or assigned by this Act.

(2) Without limiting the generality of subsection (1), the Authority and the Department may –

(a) grant, refuse, vary, transfer and revoke permits and authorizations as prescribed under this Act;

- (b) require the payment of charges, fees and royalties as prescribed under this Act;
- (c) undertake enforcement procedures for breaches of environmental requirements;
- (d) institute, undertake, take over and continue prosecutions for offences under this Act and any other enactment as may be prescribed;
- (e) enter into contracts and memoranda of understanding with such other persons as may be necessary;
- (f) employ consultants, experts and advisors from national, regional or international organisations;
- (g) acquire, hold and dispose of real and personal property;
- (h) accept gifts, devises and bequeaths made to the Authority and the Department whether on trust or otherwise and to act as trustees of monies or other property vested in the Authority and the Department upon trust;
- (i) establish and maintain a Trinidad Fund and a Tobago Fund for the purposes provided by this Act;
- (j) give effect to and implement the provisions of multilateral environmental agreements pertaining to forests and forest resources, protected areas and wildlife on the direction of the Minister;
- (k) remove squatters and other illegal occupiers from protected areas in accordance with the instructions of the Board or the Chief Secretary;
- (l) establish a system of designated protected areas; and
- (m) do such other things that are necessary or incidental to any of its powers and functions under this Act and any other written law.

under this Act shall be to –

- (a) investigate and monitor the state of forests and forest resources, protected areas and wildlife and collaborate with other persons or bodies carrying out similar surveys or investigations;
- (b) compile, analyse and disseminate data and information relating to forests and forest resources, protected areas and wildlife ;
- (c) provide information to the public about the quality and use of forests and forest resources, protected areas and wildlife;
- (d) make and determine policies, programmes, management plans and strategies for the conservation, enhancement and sustainable management of forests and forest resources, protected areas and wildlife ;
- (e) advise the Minister on the making of Regulations pursuant to Section 121 of this Act;
- (f) monitor and enforce Regulations prescribed under this Act;
- (g) advise the Minister on the addition, variation or deletion of any Schedule pursuant to Section 122 of this Act;
- (h) advise the Minister on the selection of protected areas and buffer zones;
- (i) manage or co-ordinate the sustainable management of wildlife, protected areas and buffer zones;
- (j) promote the sustainable management of forests and the conservation of soil and watersheds;
- (k) manage the environmental effect of activities on protected areas, buffer zones, wildlife, forests and forest resources in collaboration with any other person as it sees fit;
- (l) foster community involvement and encourage co-operation between public and private sectors including, but not limited to, persons having a legal interest in land in

- protected areas and buffer zones;
- (m) promote public awareness of the ecological processes of protected areas, wildlife and forests and to disseminate educational material relating to the ecological resources and biological diversity of protected areas, wildlife and forests;
  - (n) facilitate approaches to conservation of biological diversity on private property by promoting and encouraging the involvement of persons having a legal interest in land, communities and civil society;
  - (o) conserve biological diversity including the prevention, control and eradication of invasive alien species that may have detrimental effects on biological diversity;
  - (p) undertake research and studies by itself, or in co-operation with other institutions or persons, in relation to forests and forest resources, protected areas and wildlife and to encourage and promote research;
  - (q) encourage the education and training of its staff in the knowledge and skills relevant to the purposes of this Act;
  - (r) advise the Minister and Governmental entities on matters relating to and affecting forests and forest resources, protected areas and wildlife ;
  - (s) provide for and promote the participation of the public in carrying out the powers and functions of the Authority and the Department;
  - (t) monitor the compliance of the Government with regional and international obligations relating to multilateral environmental agreements pertaining to matters arising under this Act;
  - (u) perform such other functions as may be authorised under any other written law; and
  - (v) generally to carry out, implement and administer the

provisions of this Act .

(2) The Authority and the Department may delegate by instrument, in writing and subject to such conditions, directions, reservations or restrictions as they think fit, their powers to exercise the functions under this Act to each other or to any of their respective members, officers or agents.

(3) For the avoidance of doubt, the discretion of the Authority and the Department to delegate any powers under subsection (2) above includes the discretion to suspend or revoke such delegation.

Board of Directors and  
constitution

**11.** (1) The Authority shall be governed by a Board of Directors, (“the Board”) consisting of members appointed pursuant to Section 12(1) but excluding members appointed pursuant to section 12(2).

First Schedule

(2) The procedure for meetings of the Board is set out in the First Schedule.

Appointment of  
members

**12.** (1) The Minister shall appoint the members of the Board (“the members”), as follows –

- (a) two members qualified in or having expertise in ecology, wildlife conservation, marine and coastal management, or community co-management;
- (b) one member with expertise and qualifications in protected areas management;
- (c) two members with expertise and qualifications in different aspects of forestry and forest management;
- (d) a member with expertise and qualifications in land use planning;
- (e) a member with expertise and qualifications in industrial

- relations and environmental law;
- (f) a member from the Union representing the majority of employees of the Authority;
  - (g) a member with expertise and qualifications in administration and finance;
  - (h) two members nominated by non-governmental environmental organisations in Trinidad; and
  - (i) a member nominated by the Minister with responsibility for Tourism.

(2) The Director of Town and Country Planning, the Commissioner of State Lands, and the Managing Director shall, *ex officio*, be members of the Board.

(3) The members shall from among themselves elect a Chairman and a Deputy Chairman.

(4) A member other than the *ex officio* members may be appointed for no more than two consecutive 3-year terms.

(5) The Board and the Chief Secretary shall perform the functions and duties imposed on them by this Act.

(6) Without prejudice to the generality of section 11(1), the functions of the Board and the Chief Secretary are to—

- (a) approve policies, strategies, guidelines, standards, objectives and regulations for the establishment and sustainable management of forests and forest resources, protected areas and conservation of wildlife;
- (b) advise, assist and give recommendations to the Authority and the Department on matters relating to the

- implementation of any policy, regulations, programmes, strategies, plans or standards made pursuant to the Act;
- (c) appoint such committees or working groups to assist in the performance of its functions and determine the composition and functions of any such committee appointed and the procedures under which such committees shall operate;
- (d) enter into contracts with national, regional and international agencies involved in managing protected areas and conserving wildlife, forests and forest resources;
- (e) establish and maintain a network of offices, and develop an information technology network and suite of e-services that would facilitate the decentralisation of its services to enable the efficient and economic administration of the resources protected under this Act; and
- (f) notwithstanding the provisions of the State Lands Act Ch. 57:01, direct the Authority and the Department to remove squatters from protected areas.

Resignation of office

**13.** A member of the Board, other than the Chairman, may at any time resign his or her office by instrument in writing addressed to the Chairman who shall cause it to be forwarded to the Minister and the Chairman may resign his or her office by instrument in writing addressed to the Minister.

Vacancy in Board membership

**14.** A vacancy shall be deemed to arise in the membership of the Board in case of –

- (a) the death or resignation of a member;
- (b) the revocation by the Minister of the appointment of a member;
- (c) the absence from Trinidad and Tobago of a member for more than six consecutive months without leave of the

Minister; or

(d) the failure of a member to attend three consecutive meetings of the Board without reasonable excuse.

Remuneration  
allowance

**15.** Members shall be eligible for such remuneration or allowance as may be advised by the Minister.

Meetings of the Board  
and the Chief Secretary

**16.** (1) The Authority and the Department shall meet once every three months, or more frequently as required, to ensure that consistent action for forests and forest resources, protected areas and conservation of wildlife is being undertaken in Trinidad and Tobago respectively.

Managing Director and  
Corporate Secretary

**17.** (1) There shall be a Managing Director who shall be the Chief Executive Officer of the Authority and a Corporate Secretary who shall be appointed by the Board and whose terms and conditions of service shall be determined by the Board in consultation with the Minister.

(3) The Managing Director and the Corporate Secretary shall be entitled to such remuneration and allowances as the Board, in consultation with the Minister, may determine.

Functions of Managing  
Director and Secretary

(4) The Managing Director shall be responsible for administering the functions of the Authority and the Secretary shall be responsible for administering the functions of the Department.

(5) All references to the Conservator of Forests and the Chief Game Warden in any law shall now mean the Managing Director in relation to Trinidad and the Secretary in relation to Tobago.



Seal of the Authority

**18.** (1) The seal of the Authority shall be kept in the custody of the Chairman, the Deputy Chairman or the Corporate Secretary of the Board, as the Board may determine, and be affixed to instruments by the Corporate Secretary of the Board in the presence of the Chairman, or in the Chairman's absence, of the Deputy Chairman.

(2) The Seal of the Authority shall be attested to by the signatures of the Corporate Secretary of the Board and the Chairman, or in the Chairman's absence, of the Deputy Chairman.

(3) All documents other than those required by law to be made under seal may be signified under the hand of the Chairman, or in the Chairman's absence, the Deputy Chairman or the Corporate Secretary of the Board.

Delegation

**19.** (1) The Managing Director and Secretary, in accordance with guidelines issued by the Board and the Chief Secretary, may, by instrument in writing and subject to such conditions, directions, reservations or restrictions as they think fit, delegate to any other public officer any power or duty conferred or imposed by this Act on the Managing Director and the Secretary, other than this power of delegation.

(2) Unless otherwise provided, all permits, permissions, statutory notices and other documents authorised to be issued under this Act shall be signed by the Managing Director, the Secretary, or by an officer to whom this duty is delegated pursuant to subsection (1) and all such documentation shall be binding on the Authority and the Department and valid throughout Trinidad and Tobago.

(3) Anything done by a delegate pursuant to a power or duty delegated under this section has the same force and effect as if it had been done by the Managing Director and the Secretary.

Staffing

**20.** (1) Subject to this section and sections 26 and 27 the Authority shall—

- (a) appoint such persons as it considers necessary for the due performance of its functions; and
- (b) fix qualifications and terms and conditions of service, except that salaries and allowances in excess of One Hundred and Fifty Thousand Dollars (\$150,000.00) per annum in the aggregate shall be subject to the Minister's approval;

(2) The Minister may, by order, alter the limit stated in subsection (1)(b).

Public Service Officers in

**21.** (1) This section applies to a person who on the date of assent of this Act—

- (a) holds a permanent appointment to; or
- (b) holds a temporary appointment to, and has served at least two continuous years in a public office.

(2) A person to whom subsection (1) applies may, within three months of the date of commencement of this Act, exercise one of the following options:

- (a) voluntarily retire from the Public Service on terms and conditions agreed between his appropriate recognised association and the Chief Personnel Officer;

- (b) resign from the Public Service and transfer to the Authority as an employee of the Authority, with the approval of the Public Service Commission, on terms and conditions no less favourable than those enjoyed by him in the Public Service; or
- (c) transfer to another office in the Public Service, with the approval of the Public Service Commission, provided that such office commensurate with the office held by him in the Public Service prior to the date of the commencement of this Act, is available.

#### Pension Fund Plan

**22.** (1) The Authority shall, within two years of the date of commencement to this Act, establish a Pension Fund Plan.

- (2) All employees of the Authority shall be entitled to apply for membership in the Pension Fund Plan.
- (3) Without prejudice to subsection (1) the Authority may, under a pension scheme—
  - (a) establish contributory superannuation schemes and establish and contribute to superannuation funds for the benefit of its employees;
  - (b) grant gratuities, pensions or superannuation allowances to the surviving spouse, families or dependants of its employees;
  - (c) enter into and carry into effect arrangements with any insurance company or other association or company for securing for any employee or surviving spouse or dependant, such gratuities, pensions or allowances as are authorised by this section; and
  - (d) give donations or subscriptions to charitable institutions, benevolent funds and other objects calculated to benefit its

employees.

Superannuation Benefits

**23.** The superannuation benefits which have accrued to a person who exercises the option under section 21(2)(b) shall be preserved at the date of his employment by the Authority, and such person shall continue to accrue superannuation benefits under the Pensions Act up to the date of the establishment of the Pension Fund Plan on the basis of salary applicable to the office which he held immediately prior to his employment by the Authority under section 21.

Superannuation Benefits  
on death

**24.** (1) Where an employee of the Authority who exercises the option referred to in section 21(2)(b), dies or retires prior to the establishment of the Pension Fund Plan, and at the date of death or retirement was in receipt of a salary higher than that referred to in section 24, the superannuation benefits payable to his estate or him or shall be based on the higher salary.

(2) The difference between the superannuation benefits payable on the basis of the higher salary and those payable under the Pensions Act on the basis of the salary referred to in section 23, shall be paid by the Authority.

Calculation of  
Superannuation Benefits

**25.** (1) Where an employee of the Authority who exercises the option referred to in section 21(2)(b) retires or dies and is a member of the pension fund plan, he shall be paid superannuation benefits by the Pension Fund Plan at the amount which when combined with the superannuation benefits payable under section 23 is the equivalent to the benefits based on his pensionable service in the Public Service combined with his service in the Authority and calculated at the pensionable salary applicable to him on the date of

his retirement or death.

Secondment

**26.** An officer in the Public Service or in a statutory authority may, with the approval of the appropriate Service Commission or such statutory authority, consent to be appointed on transfer to the service of the Authority upon such terms and conditions as are acceptable to him or his trade union and the Authority and which are no less favourable than if he were not seconded.

Terms of secondment

**27. (1)** An officer in the Public Service or statutory authority shall, upon secondment to the Authority, have preserved his superannuation and pension rights accruing at the time of transfer.

(2) A period of secondment shall not exceed five years in the first instance and may be extended for further periods as the appropriate Service Commission or statutory authority determines.

(3) An officer in the Public Service or statutory authority shall, immediately at the end of the period of secondment, exercise one of the following options:

- (a) return to the office held in the Public Service or statutory authority prior to the period of secondment or to such other office as approved by the appropriate Service Commission or statutory authority, on such terms and conditions as are acceptable to him or his trade union; or
- (b) retire voluntarily on such terms and conditions as are agreed upon between the person retiring or his trade union and the Chief Personnel officer.

Continuation  
Representation

of  
by

**28.** Subject to any written law, employees of the Authority who

Association	have transferred from the Public Service shall, for the purpose of collective bargaining, continue to be represented by the relevant representative association that formerly represented them.
Agreement binding on Representative Association	<b>29.</b> Any agreement applicable to former officers in the Public Service or a statutory authority who have transferred to the service of the Authority shall be valid and binding on the relevant representative association and the Authority and shall be deemed to be registered under the Industrial Relations Act Ch. 88:01.
Continuation of Collective Agreement and Other Agreements	<b>30.</b> Upon the commencement of this Act and subject to any written law, a collective agreement or other agreement that immediately prior to the commencement of this Act affected officers who were employed in the Public Service or a statutory authority, shall continue to have effect in relation to such officers.
Right to register or join a trade union	<b>31.</b> Employees of the Authority may form an association which may be registered as a trade union or may join a trade union.
Minister may give general directions	<b>32.</b> The Minister may give to the Board and the Chief Secretary, in writing, such directions of a general character as to the policy to be followed by the Authority and the Department respectively in the performance of their functions and which are not inconsistent with the National Forest Policy, National Protected Areas Policy, National Wildlife Policy and National Environmental Policy, and such other national policies.
Authority and Department to make assessment	<b>33.</b> The Authority and the Department shall on a continuous basis assess the status of ecological resources and biological diversity in Trinidad and in Tobago respectively.

**34.** (1) The Authority and the Department shall, not later than four months after the end of each calendar year, each submit to the Minister, an annual report which shall include:-

- (a) a description of the activities of the Authority and the Department during the preceding year, including an assessment of the effectiveness of co-ordination among the Authority and the Department and other governmental and non-governmental entities and their plans and programmes for the current year;
- (b) a copy of the audited statement of accounts and annual report submitted by the Trustees of the Trinidad Fund and the Tobago Fund in relation to the activities under this Act; and
- (c) an accounting of any financial assistance or other support, and disclosure of any specific programmes and activities involved, with respect to matters processed through or accounted for by the Trinidad Fund and the Tobago Fund.

(2) The Minister shall cause a copy of the reports submitted pursuant to subsection (1) to be laid before Parliament within twenty-eight days of its receipt by the Minister, or if Parliament is not in session, within twenty-eight days of the commencement of the next session.

**35.** (1) The Authority and the Department shall establish and maintain, in Trinidad and in Tobago respectively, a National Biodiversity Information System (“NBIS”).

(2) The Authority and the Department shall place information in the NBIS including but not limited to –

- (a) permits, permissions, statutory notices and other documents

- issued under this Act;
- (b) annual reports prepared pursuant to section (34);
- (c) monitoring data acquired pursuant to this Act;
- (e) policies, plans, guidelines, strategies, maps and reports made under this Act;
- (f) registers of information made pursuant to Regulations under this Act;
- (g) multilateral environmental agreements, conventions, international treaties relating to the field of forests and forest resources, protected areas and conservation of wildlife;
- (h) information relating to local species and ecosystems; and
- (i) notices of violation, administrative orders and other enforcement proceedings undertaken by the Authority or the Department pursuant to Parts IX, XI and XII.

(3) The information in the NBIS may be kept in documentary form or in an electronic data and retrieval system, or partly in documentary form and partly in an electronic data and retrieval system, as the Authority and the Department think fit.

(4) Subject to subsections (6), (7) and (8), the Authority and the Department shall make any information in the NBIS available to any person at the offices of the Authority and the Department during ordinary business hours and fees for such information shall only be paid when requested in paper form calculated on actual copying costs incurred by the Authority and the Department.

(5) The fees collected under subsection (4) shall be paid into the Trinidad Fund and the Tobago Fund respectively.



(6) Any person having a direct or private interest in a document listed in subsection (2) may, by application, make a claim in the form prescribed by the Authority or the Department that the information, calculations, formulae, data, maps, figures or drawings contained in the document are confidential business information or a trade secret and should not be shared with the public.

(7) The Authority or the Department may reject a claim made under subsection (6) for the reason –

- (a) that the author or publisher has not disclosed the basis for the claim;
- (b) that the basis disclosed is invalid; or
- (c) that the public interest in disclosing the information clearly outweighs any prejudice to the person having such direct and private interest.

(8) Where a claim for confidentiality is rejected by the Authority or the Department under subsection (7), the applicant may appeal the decision to the Environmental Commission.

(9) No document made available in the NBIS shall be subject to a claim of copyright except where a prior claim of copyright had been vested in such a document.

### **PART III**

#### **FORESTS AND FOREST RESOURCES**

National Forest Policy

**36.** (1) The NFP shall be reviewed and revised, as appropriate, at intervals of not less than ten years by the Board and

the Chief Secretary.

(2) Notwithstanding subsection (1), the Board or the Chief Secretary may at any time carry out a review of the approved NFP and submit the review and any proposed revisions to the Minister for approval.

(3) Any revision of the NFP shall consider the state of forest resources within Trinidad and Tobago including those that are of timber, medicinal, agricultural or other economic value, or of social, scientific or cultural importance, or of importance for research, or whose described genomes and genes are of social, scientific or economic importance and the sustainable use and conservation of such forest resources.

(4) The Board and/or the Chief Secretary, as appropriate, in revising the NFP pursuant to subsections (1) and (2), shall seek and consider comments from persons including but not limited to persons having an interest in any matter for which proposals may be made in the revised NFP.

(5) After making such revisions to the NFP, pursuant to subsection (1), the Board and the Chief Secretary shall submit the revised NFP through the Board to the Minister for approval.

(6) All revisions of the NFP approved by the Minister shall be laid in Parliament.

(7) Notwithstanding the provisions of subsection (1), the Minister may request a review of the NFP by the Board and the Chief Secretary at such time as he sees fit.

(8) The conservation, development, management and sustainable use of forest resources shall as far as is reasonably possible be consistent with the NFP.

Identification  
monitoring

and

**37.** (1) The Authority and the Department shall monitor, through sampling, and other techniques, the components of forest resources identified pursuant to section 36(3), paying particular attention to those requiring urgent conservation measures and those which offer the greatest potential for sustainable use.

(2) The Authority and the Department shall identify processes and categories of activities that are likely to have significant adverse effects on the conservation and sustainable use of forests resources and monitor their effects.

(3) The Authority and the Department shall maintain and organise data derived from the identification and monitoring activities carried out pursuant to this section and shall make such data available in the NBIS.

Timber  
Permit

Harvesting

**38.** (1) No person shall harvest timber listed in the Second Schedule on private lands or lands leased from the State unless such person applies for and receives a Private Timber Harvesting permit in accordance with the prescribed regulations.

(2) Any person seeking to harvest timber not listed in the Second Schedule on private lands or lands leased from the State shall provide a minimum of two days' written notice in accordance with the prescribed regulations to the Authority or Department.

(3) The Authority or the Department may, at its discretion,

require a person seeking to harvest timber pursuant to subsection (2) to apply for and receive a Private Timber Harvesting permit in accordance with the prescribed regulations.

(4) A Private Timber Harvesting permit may be subject to terms and conditions which in the consideration of the Authority or Department are necessary.

(5) Where the Authority or the Department refuses to issue a Private Timber Harvesting permit or issues a Private Timber Harvesting permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

State Lands Timber  
Harvesting Permit

**39.** (1) No person shall harvest timber from State lands located outside a protected area unless such person applies for and receives a State Lands Timber Harvesting permit in accordance with the prescribed regulations.

(2) A State Lands Timber Harvesting permit may be subject to terms and conditions which in the consideration of the Authority or Department are necessary.

(3) Where the Authority or the Department refuses to issue a State Lands Timber Harvesting permit or issues a State Lands Timber Harvesting permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

(4) A State Lands Timber Harvesting permit shall include a requirement for the payment of royalties for timber to be harvested at a rate as determined by the Minister and to be paid into the Trinidad Fund or the Tobago Fund where appropriate.

**40.** (1) The Minister may at such times as he sees fit invite applications for a concession to harvest timber in a concession area.

(2) For the avoidance of doubt, a concession issued in accordance with this section does not convey any interest in land but may include the right, in relation to the concession area, to –

- (a) fell and extract timber;
- (b) build roads, bridges and other infrastructure necessary for the extraction of timber; and
- (c) undertake operations necessary for the extraction and processing of timber;

(3) A concession may be subject to terms and conditions which in the consideration of the Minister are necessary.

(4) No person shall harvest timber from a concession area unless such person applies for and receives a Concession Area Timber Harvesting permit in accordance with the prescribed regulations.

(5) A Concession Area Timber Harvesting permit may be subject to terms and conditions which in the consideration of the Authority or Department are necessary.

(6) Where the Authority or the Department refuses to issue a Concession Area Timber Harvesting permit or issues a Concession Area Timber Harvesting permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

(7) A Concession Area Timber Harvesting permit shall include a requirement for the payment of royalties for timber to be harvested at a rate as determined by the Minister and to be paid into the Trinidad Fund or the Tobago Fund where appropriate.

Log Haulage permit

**41.** (1) A person harvesting timber pursuant to a State Lands Timber Harvesting permit or a Concession Area Timber Harvesting permit shall only transport logs or use equipment for the haulage of logs from the place of harvest to the nearest roadway, whether private or State, for removal to a Timber Collection Facility or a Sawmill unless such person applies for and receives a Log Haulage permit in accordance with the prescribed regulations.

(2) An application for a Log Haulage permit shall be made by the owner or driver of the vehicle or user of equipment on which logs are to be transported or hauled.

(3) A Log Haulage permit may be subject to terms and conditions which in the consideration of the Authority or Department are necessary.

(4) Where the Authority or the Department refuses to issue a Log Haulage permit or issues a Log Haulage permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

Timber Transportation  
Permit

**42.** (1) No person shall transport timber, harvested pursuant to a Private Timber Harvesting permit or a State Lands Timber Harvesting permit or a Concession Area Timber Harvesting permit by any means whatsoever along any roadway, whether private or

State, to a Timber Collection Facility or a Sawmill, unless such person applies for and receives a Timber Transportation permit in accordance with the prescribed regulations.

(2) An application for a Timber Transportation permit shall be made by the owner or driver of the vehicle or user of equipment on which logs are to be transported.

(3) A Timber Transportation permit may be subject to terms and conditions which in the consideration of the Authority or Department are necessary.

(4) Where the Authority or the Department refuses to issue a Timber Transportation permit or issues a Timber Transportation permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

Duty of Permittee to  
take reasonable care

**43.** All timber harvesting and haulage operations authorized under this Act shall be conducted in accordance with acceptable standards of management as determined by the Authority or the Department, and in such a way as to avoid unnecessary injury to unharvested vegetation or soils.

Destination of  
Harvested Timber and  
Timber Collection  
Facility Permit

**44.** (1) For the avoidance of doubt no timber harvested pursuant to a Private Timber Harvesting permit or a State Lands Timber Harvesting permit or a Concession Area Timber Harvesting permit or a Protected Area Timber Harvest permit shall be taken to any place other than a Timber Collection Facility or a Sawmill.

(2) No person shall store timber, harvested pursuant to a Private Timber Harvesting permit or a State Lands Timber

Harvesting permit or a Concession Area Timber Harvesting permit or a Protected Area Timber Harvest permit, unless such person applies for and receives a Timber Collection Facility permit in accordance with the prescribed regulations.

(3) Any person seeking to store or process timber at a place other than at a Timber Collection Facility or Sawmill shall apply for an exemption from having to take the timber to a Timber Collection Facility or a Sawmill.

(4) A Timber Collection Facility permit may be subject to terms and conditions which in the consideration of the Authority or Department are necessary.

(5) Where the Authority or the Department refuses to issue a Timber Collection Facility permit or issues a Timber Collection Facility permit with conditions, or refuses to grant an exemption pursuant to subsection (3), the person seeking such permit or exemption may appeal the decision to the Environmental Commission.

#### Timber Export Permit

**45.** (1) No person shall export any processed or unprocessed timber, harvested pursuant to a Private Timber Harvesting permit or a State Lands Timber Harvesting permit or a Concession Area Timber Harvesting permit or a Protected Area Timber Harvest permit, unless such person applies for and receives a Timber Export permit in accordance with the prescribed regulations.

(2) A Timber Export permit may be subject to terms and conditions which in the consideration of the Authority or Department are necessary.



(3) Where the Authority or the Department refuses to issue a Timber Export permit or issues a Timber Export permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

Sawmill Permit

**46.** (1) No person shall operate and maintain a sawmill unless such person applies for and receives a Sawmill permit in accordance with the prescribed regulations.

(2) A Sawmill permit may be subject to terms and conditions which in the consideration of the Authority or Department are necessary.

(3) Where the Authority or the Department refuses to issue a Sawmill permit or issues a Sawmill permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

(4) A person who owns or operates a Sawmill at the commencement of this Act shall be required to apply for a Sawmill permit not later than twenty one working days from the commencement of this Act.

(5) A person who owns or operates a Sawmill to which subsection (4) applies shall be allowed to operate the Sawmill until the final determination of the Sawmill permit.

Furniture  
Manufacturing Facility  
Permit

**47.** (1) No person shall operate and maintain a Furniture Manufacturing Facility unless such person applies for and receives a Furniture Manufacturing Facility permit in accordance with the

prescribed regulations.

(2) A Furniture Manufacturing Facility permit may be subject to terms and conditions which in the consideration of the Authority or Department are necessary.

(3) Where the Authority or the Department refuses to issue a Furniture Manufacturing Facility permit or issues a Furniture Manufacturing Facility permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

(4) A person who owns or operates a Furniture Manufacturing Facility at the commencement of this Act shall be required to apply for a Furniture Manufacturing Facility permit not later than twenty one working days from the commencement of this Act.

(5) A person who owns or operates a Furniture Manufacturing Facility to which subsection (4) applies shall be allowed to operate the Furniture Manufacturing Facility until the final determination of the Furniture Manufacturing Facility permit.

Non-Timber Forest  
Products Extraction,  
Removal and  
Transportation Permit

**48.** (1) No person shall extract any non-timber forest products from, or cut any tree for the purpose of extracting non-timber forest products from State land whether leased or not.

(2) No person shall extract non-timber forest products from, or cut for the purpose of extracting non-timber forest products, any tree growing on private land or remove and transport any non-timber forest products or tree cut for the purpose of extracting non-timber forest products, unless such person applies for and receives a Non-

Timber Products Extraction, Removal and Transportation permit in accordance with the prescribed regulations.

(3) Where the Authority or the Department refuses to issue a Non-Timber Products Extraction, Removal and Transportation permit or issues a Non-Timber Products Extraction, Removal and Transportation permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

Charcoal Permit

**49.** (1) No person shall produce any charcoal unless such person applies for and receives Charcoal permit in accordance with the prescribed regulations.

(2) A Charcoal permit may be subject to terms and conditions which in the consideration of the Authority or Department, on the advice of the Chief Fire Officer, are necessary.

(3) Where the Authority or the Department refuses to issue a Charcoal permit or issues a Charcoal permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

## **PART IV**

### **DESIGNATION AND MANAGEMENT OF PROTECTED AREAS**

Immediate Designation  
of Protected Areas

**50.** The areas contained in the Third Schedule to this Act are hereby designated as protected.

Protected Areas

**51.** (1) The Board or the Chief Secretary may make proposals

for the designation of protected areas consistent with the objectives of the NPAP.

(2) Without limiting the generality of subsection (1), protected areas shall be established in order to—

- (a) conserve species of fauna and flora that may be native, threatened or of general value, and the land and marine habitat upon which the survival of these species depend;
- (b) protect selected examples of representative or unique ecosystems across their natural range of variation both on land and on marine areas;
- (c) sustain natural areas important for protection and maintenance of life supporting systems and basic ecological processes;
- (d) protect selected natural sites and areas of scenic beauty or of special scientific, ecological, recreational, archaeological or educational value and for eco-tourism purposes; or
- (e) maintain and restore sites that may be degraded if they are not protected.

Revision of NPAP

**52.** (1) The NPAP shall be reviewed and revised, as appropriate, at intervals of not less than ten years by the Board and the Chief Secretary.

(2) Notwithstanding subsection (1), the Board or the Chief Secretary may at any time carry out a review of the approved NPAP and submit the review and any proposed revisions to the Minister for approval.

(3) The Board and/or the Chief Secretary, as appropriate, in revising the NPAP pursuant to subsections (1) and (2), shall seek and consider comments from persons including but not limited to

persons having an interest in any matter for which proposals may be made in the revised NPAP.

(4) After making such revisions to the NPAP as required by subsection (1), the Board and the Chief Secretary shall submit the revised NPAP through the Board to the Minister for approval.

(4) All revisions of the NPAP approved by the Minister shall be laid in Parliament.

(5) Notwithstanding the provisions of subsection (1), the Minister may request a review of the NPAP by the Board and the Chief Secretary at such time as he sees fit.

(6) The designation, conservation, development, management, protection, and use of a protected area shall as far as is reasonably possible be consistent with the NPAP.

Designation and Vesting  
of Protected Areas

**53.** (1) The Minister may make regulations, consistent with the NPAP Plan, for the designation and management of any land or marine area, or any combined land and marine area to be included in the Third Schedule.

(2) The Minister shall as soon as is reasonably practicable, by Order, vest legal title to any designated protected area in the Authority or the Chief Secretary.

Notice of intention to  
designate a protected  
area

**54.** Before any area is designated as a protected area pursuant to section 53, the Authority or the Department shall publish a notice of intention to designate such area and submit such notice for public comment by stakeholders in accordance with the regulations prescribed under this Act.

Publication of  
Designation Order in  
Gazette

**55.** An order for the designation of a protected area shall be published in the *Gazette* and shall come into force on the date of publication and shall include a map of the protected area showing its boundaries.

Responsibility for  
management of  
protected areas

**56.** (1) Notwithstanding subsection (2), the Authority and the Department shall be responsible for overseeing the administration and monitoring of protected areas established under this Act in Trinidad and in Tobago respectively.

(2) The Minister may, after consultation with the Authority and the Department, where appropriate, designate a competent body which may include any non-governmental organisation with an interest in conservation and the competence to manage a protected area with the responsibility for the management and control of any protected area established pursuant to this Act.

(3) The responsibilities delegated to a competent body designated pursuant to subsection (2) may include the powers and duties to—

- (a) implement the management plan for the protected area, approved in accordance with subsection (7), and make recommendations from time to time with respect to the modification of the approved management plan, to the Authority and the Department, as appropriate;
- (b) advise the Authority and the Department as appropriate, with respect to any variation of the boundaries, or change in the categorisation of the protected area, that appears necessary or expedient to better meet the purposes for

which the protected area was established; and

(c) undertake any other functions as may be assigned to it, from time to time, by the Authority or the Department.

(4) The Authority and the Department shall, where appropriate, prepare a management plan or revised management plan for each protected area in accordance with regulations prescribed under this Act.

(5) When the Authority or the Department have prepared or revised a management plan, the Authority or the Department shall submit the management plan to the Board and the Chief Secretary for review.

(6) After making such amendments to a management plan or a revised management plan based on its comments, the Board and the Chief Secretary, where appropriate, shall submit the management plan or the revised management plan to the Minister for approval.

(7) The management plan or revised management plan when approved by the Minister, shall be laid in Parliament.

(8) The management plan or revised management plan shall be published in the Gazette and shall come into force on the date of publication.

(9) In the preparation of a management plan or revised management plan, the Authority or the Department shall submit such management plan or revised management plan for public comment by stakeholders in accordance with the regulations prescribed under this Act.

(10) The Authority or the Department or any competent body shall implement the approved management plan for the protected area under its management.

(11) Where a competent body is designated with responsibility for the management of a protected area, such competent body shall report annually to the Authority or the Department, or more frequently as required, and act on the directions of the Authority or the Department in the exercise of its powers and duties.

(12) Notwithstanding subsection (11), the Authority or the Department, where appropriate, shall be responsible for the monitoring and enforcement of management plans for protected areas.

(13) Where the Board or the Chief Secretary reasonably believes that a competent body is acting contrary to its powers and duties under this Part, the Board or the Chief Secretary may recommend to the Minister that the designation of the competent body be revoked.

Temporary Protected  
Areas

**57.** (1) Where the Board or the Chief Secretary deems it necessary or expedient in the national interest to designate a protected area not recommended in the NPAP Plan, the Minister, after consultation with the Board or the Chief Secretary, shall designate the area to be a temporary protected area.

(2) An order for the designation of a temporary protected area shall be valid for a period of one hundred and eighty (180) days and shall be issued in accordance with the regulations prescribed under



this Act.

(3) An order for the designation of a temporary protected area shall be published in the *Gazette* and shall come into force on the date of publication.

(4) Prior to the expiration of the one hundred and eighty (180) day period referred to in subsection (2), the Minister, on the recommendation of the Board or the Chief Secretary, shall extend the designation of the temporary protected area for such time as is necessary for the designation of the temporary protected area as a protected area to be listed in the Third Schedule pursuant to section 53 and the regulations prescribed under this Act.

(5) An order extending the period of designation of a temporary protected area shall be published in the *Gazette* and shall come into force on the date of publication.

Private land in  
temporary protected  
areas

**58.** (1) Where the proposed designation of a temporary protected area includes any private lands, any person having a legal interest in the land shall be entitled to continue his occupation and use of the land subject to such terms and conditions that may be agreed upon with the Authority or the Department.

(2) Compensation may be paid to the person having a legal interest in the land if there is interference with the use or enjoyment of such land, during the period of designation as a temporary protected area under section 57.

(3) Any dispute as to compensation payable under subsection (2) shall be determined by the Environmental Commission.

**59.** (1) Where the designation of a protected area under sections 51 and 53 includes private lands, any person having a legal interest in the land shall be entitled to continue his occupation and use of the land subject to such terms and conditions that may be agreed upon with the Authority or the Department and that are consistent with the management plan for such designated area.

(2) Where the person having a legal interest in the land enters into an agreement under subsection (1) above, the person interested shall be entitled to such incentives as the Minister may grant for that purpose.

(3) The person having a legal interest in the land who enters into an agreement under subsection (1) above is not liable except where the person having a legal interest in the land has been negligent, for any personal injury, loss of life or property sustained by any person using a public road, right of way, footpath over such land, or by any user of the protected area entering upon any such private land with the permission of, or under a permit granted by, the body on which responsibility for the management of the protected area is conferred by or under this Act or any governmental entity, whether such permission or permit is granted gratuitously or on payment of a fee.

(4) The Minister may:-

- (a) if advised by the Board or the Chief Secretary that the Authority or the Department respectively has been unable to reach an agreement with a person having a legal interest in the land under subsection (1) above; or
- (b) on the recommendation of the Board or the Chief Secretary;

and

- (c) having regard to the category of the protected area and the purposes for which it has been so designated,

take such steps as are necessary to cause the acquisition of any private land within a protected area, or any rights over or interest in such private land, either by agreement with the person having a legal interest in the land or compulsorily in accordance with the provisions of the Land Acquisition Act Ch. 58:01, as being land needed for a public purpose within the meaning of that Act.

(5) Any person having a legal interest in land may donate, exchange, transfer or otherwise dedicate any land or interest in land to the State under this Act for designation as a protected area.

(6) For the avoidance of doubt, any person having a legal interest in land that is within a designated protected area and which has not been resolved in accordance with subsections (1) and (4) and section 60(1), shall be entitled to the continuing use and occupation of such lands.

Agreement to manage  
private land as protected  
area

**60.** (1) Notwithstanding anything to the contrary, the Board or the Chief Secretary as appropriate may enter into a co-management agreement with the person having a legal interest in private land within a protected area for the management and control of that land as a protected area.

(2) Land which is the subject of a co-management agreement under subsection (1) shall be placed under the control of the Authority or the Department and the person having a legal interest in the private land for the purpose of managing and maintaining the

specific purpose for which the protected area was established.

(3) A co-management agreement made pursuant to subsection (1), shall be in writing and signed by the person having a legal interest in the private land and by the Board or the Chief Secretary, and shall contain—

- (a) a description of the land, including a description of its boundaries;
- (b) the reason for designation of the land as a protected area; and
- (c) measures designed to further the specific purposes for which the protected area was established.

(4) Any co-management agreement entered into under this section shall have effect from the date specified in the agreement until it is terminated by consent of both parties or in such other circumstances as may be set out in the agreement.

(5) Any co-management entered into under this section shall be registered with the Registrar General.

(6) A registered co-management agreement shall be binding on and enforceable by and against the successors in title of the person having a legal interest in the land, and any person coming into occupation of any land being the subject of a co-management agreement shall be deemed to have notice of the agreement.

Establishment of buffer  
zones

**61.** The Authority or the Department may establish a buffer zone adjacent to a protected area in accordance with the regulations prescribed under this Act.

Buffer zone  
management plan

**62.** (1) Where a buffer zone is established under section 61, the Authority or Department shall include provisions for the management of activities in the buffer zone in any management plan for the protected area in accordance with the regulations prescribed under this Act.

(2) Where a buffer zone is established under section 61, after the designation of a protected area, the management plan for that protected area shall be revised in accordance with section 56.

(3) The Authority or the Department may enter into a co-management agreement with a person having a legal interest in lands falling within a buffer zone with regard to the activities being undertaken within the buffer zone.

Revocation and  
variation of designation  
orders

**63.** (1) For the avoidance of doubt, it is declared that the Minister on the recommendation of the Board of the Chief Secretary shall, by order published in the *Gazette*, add to, vary or revoke the designation of a protected area listed in the Third Schedule and a variation may include an amendment to the boundary or a change in the classification of the protected area.

(2) In making a recommendation for the addition, variation or revocation of any designation order for approval by the Minister, the Authority or the Department shall comply with regulations prescribed under this Act.

Restrictions on disposal  
of State land in  
protected areas

**64.** (1) Except where the Minister considers it expedient in the national interest or to further the purposes for which the protected area was designated, no State land in a protected area may be

granted, sold or otherwise disposed of and no person may be permitted to occupy any State land in a protected area.

(2) The Authority or the Department may lease any State land or building in a protected area for the purpose of providing any public amenity, in accordance with the approved management plan for that area.

(3) Notwithstanding anything to the contrary in any other law, no right, title or interest in, to or over any State land in a protected area may be acquired by any person by prescription.

Restrictions  
development  
protected areas

on in **65.** (1) After the commencement of this Act, no statutory approvals or permission for the development of State or private land within a protected area shall be granted by any governmental entity without the proponent first having applied for and received a Protected Area Special Development permit from the Authority or the Department in accordance with the prescribed regulations.

(2) Where the Authority or the Department refuses to issue a Protected Area Special Development permit or issues a Protected Area Special Development permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

(3) Notwithstanding subsection (1), no Protected Area Special Development permit shall be granted for any scientific reserve or special conservation reserve.

Requirement for  
Protected Area Special  
Development Permit for

**66.** At any time after the commencement of this Act, the Authority or the Department may request any person possessing a

Existing Activities                      lease of state land within any protected area to apply for and obtain a Protected Area Special Development permit in accordance with the prescribed regulations

Operations                      by  
governmental entities in  
protected areas                      **67.** (1) Any governmental entity may continue to operate, manage and maintain any existing work or undertaking situated in a protected area which has been authorised by any law in existence before the coming into force of this Act.

(2) After the coming into force of this Act, a governmental entity may continue to exercise its statutory duties, powers and functions in any protected area but, in the exercise of those duties, powers and functions, it shall comply with any directions given by the Authority or the Department for the purposes of conserving and managing the protected area.

Harvesting, Haulage or  
Transportation                      of  
Timber from Protected  
Areas                      **68.** (1) The Authority or the Department may, on the application of a person having a legal interest in land, issue a Protected Area Timber Harvest permit to harvest, haul or transport timber from a protected area in accordance with the regulations prescribed under this Act and subject to such terms and conditions that are consistent with the management plan for the protected area.

(2) Where the Authority or the Department refuses to issue a Protected Area Timber Harvest permit or issues a Protected Area Timber Harvest permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

Responsibility for  
prevention and control  
of fires                      **69.** The Authority and Department shall be responsible for the prevention and control of fires in protected areas and State lands adjoining such protected areas.

**70.** (1) No person shall start a fire in any private lands within a protected area unless such person applies for and receives a Protected Area Fire permit in accordance with the prescribed regulations.

(2) The Authority or the Department on receipt of an application for a Protected Area Fire permit may at its discretion assume responsibility for the starting and controlling of a fire for which a Protected Area Fire permit is being sought.

(2) A Protected Area Fire permit may be subject to terms and conditions which, in the consideration of the Authority or Department on the advice of the Chief Fire Officer, are necessary.

(3) Where the Authority or the Department refuses to issue a Protected Area Fire permit or issues a Protected Area Fire permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

**71.** A person having a legal interest in private forested lands may apply to the Authority or Department to have such lands treated as a protected forest and placed under the control and management of the Authority or Department on such terms and conditions as the person having the legal interest in the private forested lands or the Authority or Department may agree upon or under a co-management agreement.

## **PART V**

### **WILDLIFE CONSERVATION**



**72.** (1) The NWP shall be reviewed and revised, as appropriate, at intervals of not less than ten years by the Board and the Chief Secretary.

(2) Notwithstanding subsection (1), the Board or the Chief Secretary may at any time carry out a review of the approved NWP and submit the review and any proposed revisions to the Minister for approval.

(3) The NWP shall consider the state of wildlife resources including, but not limited to, invasive alien species, species or communities which are endangered or threatened, wild relatives of domesticated or cultivated species, or species which are of medicinal, agricultural or other economic value, or are of social, scientific or cultural importance, or are of importance for research into the conservation and sustainable use of biological diversity, such as indicator species, and described genomes and genes of social, scientific or economic importance.

(4) The Board and/or the Chief Secretary, as appropriate, in revising the NWP pursuant to subsections (1) and (2), shall seek and consider comments from persons including, but not limited to, persons having an interest in any matter for which proposals may be made in the revised NWP.

(5) After making such revisions to the NWP as required by subsection (1), the Board and the Chief Secretary shall submit the revised NPAP through the Board to the Minister for approval.

(6) All revisions of the NWP approved by the Minister shall

be laid in Parliament.

(7) Notwithstanding the provisions of subsection (1), the Minister may request a review of the NWP by the Board and the Chief Secretary at such time as he sees fit.

(8) The designation, conservation, management and use of species of fauna and flora shall as far as is reasonably possible be consistent with the NWP.

Identification  
and  
monitoring

**73.** (1) The Authority and the Department shall monitor, through sampling, tagging and other techniques, the components of biological diversity identified in section 72(3), paying particular attention to those requiring urgent conservation measures and those which offer the greatest potential for sustainable use.

(2) The Authority and the Department shall identify processes and categories of activities that are likely to have significant adverse effects on the conservation and sustainable use of species and monitor their effects.

(3) The Authority and the Department shall maintain and organise data derived from the identification and monitoring activities carried out pursuant to this section and shall make such data available in the NBIS.

Protected Species

**74.** (1) The species of fauna and flora not specified in the Fifth Schedule are designated as protected species.

(2) Notwithstanding the generality of subsection (1), the species of fauna and flora listed in the Fourth Schedule are deemed

protected species and classified as Critically Endangered, Endangered, Vulnerable or Near-Threatened.

(3) The Authority or the Department shall, as soon as is reasonably practicable, prepare a draft Recovery Plan that would specify the conservation activities that shall be undertaken to recover the species of fauna or flora listed in the Fourth Schedule to a secure status.

(4) Where the Board or the Chief Secretary considers it appropriate, the Board or the Chief Secretary shall submit the final draft Recovery Plan to the Minister for publication in the *Gazette*.

(5) Upon the publication of the Recovery Plan in the *Gazette*, the Authority or the Department may issue instructions to governmental entities for achieving the goals of the Recovery Plan and it shall be the duty of all governmental entities to carry out such instructions.

(6) The Authority or the Department may, where it reasonably believes that any protected species of fauna or flora not listed in the Fourth Schedule hereto is being threatened by the acts or omissions of a person that is contrary to the public interest and to the principles set out in section 4 of this Act, issue a Stop Notice against such person to cease such acts.

(7) The Stop Notice shall be issued in accordance with the regulations prescribed under this Act.

(8) A person who has been served with a Stop Notice shall, within fourteen (14) days of the date of receipt of such Stop Notice,

make representations to the Authority or the Department regarding the matters specified in the Stop Notice.

(9) Where a matter specified in the Stop Notice may be satisfactorily explained or otherwise resolved between the person and the Authority or the Department, the Authority or Department may

(a) cancel the Stop Notice; or

(b) enter into a consent agreement allowing the actions of the person to continue subject to terms and conditions as deemed appropriate in accordance with the regulations prescribed under this Act.

(10) Where a Stop Notice has not been cancelled and the person receiving the Stop Notice from the Authority or the Department is unable to enter into a consent agreement with the Authority or the Department, the matter shall be submitted by the Authority or Department to the Environmental Commission for determination.

(11) The Authority or the Department may take such action as may be reasonably necessary to impound, hunt, harvest or possess protected species of fauna and flora not listed in the Fourth Schedule, including feral or loose livestock, found in any protected area.

(12) Any person found to be responsible for the control of a protected species of fauna and flora not listed in the Fourth Schedule which is impounded, hunted, harvested or possessed pursuant to subsection (11) is guilty of an offence and shall also be liable for the

actual costs incurred by an authorised officer on behalf of the Authority or the Department in impounding, hunting, harvesting or possessing such protected species of fauna and flora not listed in the Fourth Schedule.

(13) A person in possession of any living protected species of fauna or flora other than those listed in the Fourth Schedule may, at the request of the Authority or the Department, be required to apply for and receive a Special Fauna and Flora Possession permit in accordance with the prescribed regulations.

(14) A Special Fauna and Flora Possession permit may be subject to terms and conditions which in the consideration of the Authority or Department are necessary.

(15) The possession of any living protected species of fauna or flora to which subsections (14) and (15) apply shall be allowed until the final determination of the Special Fauna and Flora Possession permit.

(16) Where the Authority or the Department refuses to issue a Special Fauna and Flora Possession permit or issues a Special Fauna and Flora Possession permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

(17) Where a person is in possession of a living protected species of fauna or flora and is refused a Special Flora and Fauna Possession Permit, subject to any appeal by such person, the Authority or Department may dispose of the living unprotected species of fauna or flora as it deems fit.

(18) Where the Authority or the Department disposes of living protected species of fauna or flora pursuant to subsection (17), a person in possession of such protected species of fauna or flora may apply to the Authority or the Department for compensation.

(19) Where, pursuant to subsection (18), a person is denied compensation by the Authority or the Department, such person may appeal to the Environmental Commission for the award of compensation.

Partially  
Fauna      Protected

**75.** (1) The species of fauna specified in the Fifth Schedule are designated as partially protected species of fauna which may be hunted.

(2) Save and except for the species of fauna designated pursuant to subsection (1), the designation of partially protected species of fauna shall be done by the Minister in accordance with the regulations prescribed under this Act.

(3) The Minister on the recommendation of the Board or the Chief Secretary shall remove the designation of any partially protected species of fauna in accordance with the regulations prescribed under this Act.

(4) No person shall hunt any partially protected species of fauna unless such person applies for and receives a Wildlife Hunting permit from the Authority or the Department in accordance with the regulations prescribed under this Act.

(5) A Wildlife Hunting permit may be subject to terms and conditions which in the consideration of the Authority or Department are necessary.

(6) Where the Authority or the Department refuses to issue a Wildlife Hunting permit or issues a Wildlife Hunting permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

Wildlife  
Hunting  
Return

**76.** (1) Within twenty one (21) days of expiration of a Wildlife Hunting Permit, a person with a Wildlife Hunting Permit shall submit a Wildlife Hunting Return together with his Wildlife Hunting Permit to the Authority or the Department in accordance with the regulations prescribed under this Act.

(2) No person shall possess any carcass or meat of any partially protected fauna obtained pursuant to a Wildlife Hunting Permit after twenty one (21) days of expiration of the Wildlife Hunting Permit under which such carcass or meat of any partially protected fauna was obtained save and except with the express written permission of the Authority or the Department.

(3) No person shall sell any carcass or meat of any partially protected fauna obtained pursuant to a Wildlife Hunting Permit.

Partially Protected Flora

**77.** (1) The species of flora specified in the Fifth Schedule are designated as partially protected species of flora which may be harvested or possessed.

(2) Save and except for the species of flora designated

pursuant to subsection (1), the designation of partially protected species of flora shall be done by the Minister in accordance with the regulations prescribed under this Act.

(3) The Minister may de-designate a partially protected species of flora in accordance with the regulations prescribed under this Act.

(4) No person shall harvest any partially protected species of flora unless such person applies for and receives a Flora Harvesting permit from the Authority or the Department in accordance with the prescribed regulations.

(5) A Flora Harvesting permit may be subject to terms and conditions which in the consideration of the Authority or Department are necessary.

(6) Where the Authority or the Department refuses to issue a Flora Harvesting permit or issues a Flora Harvesting permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

Actions against  
Protected and Partially  
Protected Species of  
Fauna and Flora

**78.** (1) Where a protected or partially protected species of fauna or flora allegedly poses a threat to human health or livelihood, the person having a legal interest in land, or any other person at his request or direction, may report same to the Authority or the Department who shall expeditiously take such action as may be reasonably necessary, including the granting of a Wildlife Hunting permit or a Flora Harvesting permit to hunt, harvest or possess such protected or partially protected species of fauna and



flora.

(2) In the event of an emergency, national or health crisis, the Authority or the Department may take such action as necessary to remedy any problem that may arise with respect to protected or partially protected species of fauna and flora including such action which may be contrary to sections 74, 75 and 77 and the regulations made under this Act.

(3) The Authority or the Department, in taking such action that may be reasonably necessary in subsections (1) and (2), shall seek to conserve and protect the protected or partially protected species of fauna and flora.

(4) Protected species and partially protected species of fauna and flora killed or destroyed under subsection (1) shall be the property of the State and shall be disposed of only as authorised by the Authority or the Department.

Preservation Order

**79.** (1) Where it appears to the Board or the Chief Secretary expedient in the national interest to preserve an individual of a species of fauna or flora the Minister may make an order for the proposed preservation of that individual.

(2) An order made under subsection (1) shall be prepared by the Board or the Chief Secretary in draft and shall take effect as a proposal for the preservation of the individual of the species of fauna or flora as specified in the order.

(3) A proposal for the preservation of the individual shall –  
(a) specify the location of the individual of fauna or flora;

- (b) be served on the person having a legal interest in land to which the proposal relates and on any person whose interests are likely to be affected by the enforcement of the proposal; and
- (c) invite representations from the public to be made with respect to the proposal within twenty-eight (28) days.

(4) After considering representations made with respect to the proposal for the preservation of an individual, the Board or the Chief Secretary may withdraw the proposal or forward the proposal for the approval of the Minister, along with a summary of the representations received in respect of the proposal.

(5) The Minister, on the advice of the Board or the Chief Secretary, may approve a preservation order with or without modification or may cancel the proposal.

(6) A preservation order takes effect from the date of its publication in the *Gazette*, and a copy of the preservation order shall be served on the person having a legal interest in land to which the order relates.

Permit required for  
trade

**80.** (1) No person shall import, export or re-export any specimen or attempt to import, export or re-export any specimen unless he applies for and obtains a Trade permit in accordance with the regulations prescribed under this Act.

(2) A Trade permit may be subject to terms and conditions which in the consideration of the Authority or Department are necessary.

(3) Where the Authority or the Department refuses to issue a Trade permit or issues a Trade permit with conditions, the person seeking such Trade permit may appeal the decision to the Environmental Commission.

(4) All relevant governmental entities shall cooperate with the Authority and Department in order to implement and enforce this section.

(5) For the avoidance of doubt, where there are multiple regulations applicable to the importation, exportation, re-exportation or possession of any specimen, a person seeking to import, export, re-export or possess any such specimen shall be required to obtain all permits, consents and approvals that may be required by each individual regulation.

Fauna and Flora Dealer  
Permit

**81.** (1) No person shall engage in the sale of any non-native non-domesticated species of fauna and flora or any protected species of living fauna or flora listed in the Fourth Schedule or partially protected species of fauna or flora or specimen thereof unless such person applies for and receives a Fauna and Flora Dealer permit in accordance with the prescribed regulations.

(2) The Minister may by Order designate, from time to time, native non-domesticated species of fauna and flora, the sale of which requires a Fauna and Flora Dealer permit.

(3) A Fauna and Flora Dealer permit may be subject to terms and conditions which in the consideration of the Authority or Department are necessary.

(4) Where the Authority or the Department refuses to issue a Fauna and Flora Dealer permit or issues a Fauna and Flora Dealer permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

(5) A person who possesses for sale any non-native non-domesticated species of fauna and flora or any protected species of living fauna or flora listed in the Fourth Schedule, or partially protected species of fauna or flora or specimen thereof at the commencement of this Act shall be required to apply for a Fauna and Flora Dealer permit not later than twenty one working days from the commencement of this Act.

(6) The possession of any non-native non-domesticated species of fauna and flora or any protected species of living fauna or flora listed in the Fourth Schedule, or partially protected species of fauna or flora to which subsection (4) and (5) applies shall be allowed until the final determination of the Fauna and Flora Dealer permit.

(7) Where a person is in possession for sale of non-native non-domesticated species of fauna and flora or any protected species of living fauna or flora listed in the Fourth Schedule, or partially protected species of fauna or flora or specimen thereof and has been refused a Fauna and Flora Dealer permit, subject to any appeal by such person, the Authority or Department may dispose of the non-native non-domesticated species of fauna and flora or any protected species of living fauna or flora listed in the Fourth Schedule, or partially protected species of fauna or flora or specimen thereof as it deems fit.

(8) Where the Authority or the Department disposes of the non-native non-domesticated species of fauna and flora or any protected species of living fauna or flora listed in the Fourth Schedule, or partially protected species of fauna or flora pursuant to subsection (7), a person in possession of such non-native non-domesticated species of fauna and flora at the commencement of this Act or any protected species of living fauna or flora listed in the Fourth Schedule, or partially protected species of fauna or flora may apply to the Authority or Department for compensation.

(9) Where, pursuant to subsection (8), a person is denied compensation by the Authority or the Department, such person may appeal to the Environmental Commission for the award of compensation.

Partially Protected Flora  
and Fauna Possession  
Permit

**82.** (1) No person shall possess any living partially protected species of fauna or flora or specimen thereof unless such person applies for and receives a Partially Protected Fauna and Flora Possession permit in accordance with the prescribed regulations.

(2) A Partially Protected Fauna and Flora Possession permit may be subject to terms and conditions which in the consideration of the Authority or Department are necessary.

(3) A person who captures any living partially protected species of fauna or flora under a Wildlife Hunting Permit or Flora Harvesting Permit and wishes to possess or keep the live individual(s) shall be required to apply for a Partially Protected Fauna and Flora Possession permit not later than twelve working days from the date of capture of the live individual.

(4) A person who possesses any living partially protected species of fauna or flora at the commencement of this Act shall be required to apply for a Partially Protected Fauna and Flora Possession permit not later than twenty one working days from the commencement of this Act.

(5) The possession of any living partially protected species of fauna or flora to which subsection (3) and (4) applies shall be allowed until the final determination of the Partially Protected Fauna and Flora Possession permit.

(6) Where the Authority or the Department refuses to issue a Partially Protected Fauna and Flora Possession permit or issues a Partially Protected Fauna and Flora Possession permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

(7) Where a person is in possession of a living partially protected species of fauna or flora and is refused a Partially Protected Flora and Fauna Possession Permit, subject to any appeal by such person, the Authority or Department may dispose of the living partially protected species of fauna or flora as it deems fit.

(8) Where the Authority or the Department disposes of any living partially protected species of fauna or flora pursuant to subsection (7), a person in possession of such living partially protected species of fauna or flora may apply to the Authority or the Department for compensation.

(9) Where, pursuant to subsection (8), a person is denied

compensation by the Authority or the Department, such person may appeal to the Environmental Commission for the award of compensation.

(10) Every holder of a Partially Protected Fauna and Flora Possession Permit may be required to release, under the direction of the Managing Director or the Secretary, a prescribed number of fauna on an annual basis into an appropriate protected area.

(11) Where the Authority or the Department requires a person to release any living partially protected species of fauna pursuant to subsection (10), a person in possession of such living partially protected species of fauna may apply to the Authority or the Department for compensation.

(12) Where, pursuant to subsection (11), a person is denied compensation by the Authority or the Department, such person may appeal to the Environmental Commission for the award of compensation.

Protected Fauna and  
Flora Possession  
Permit

**83.** (1) No person shall acquire and keep any living protected species of fauna or flora listed in the Fourth Schedule after the commencement of this Act unless such person applies for and receives a Protected Fauna and Flora Possession permit in accordance with the prescribed regulations.

(2) A person in possession of any living protected species of fauna or flora listed in the Fourth Schedule at the commencement of this Act shall be required within one hundred and eighty (180) calendar days thereafter to apply for and receive a Protected Fauna

and Flora Possession permit from the Authority or the Department in accordance with the prescribed regulations.

(3) A Protected Fauna and Flora Possession permit may be subject to terms and conditions which in the consideration of the Authority or Department are necessary.

(4) A person who obtains any living protected species of fauna or flora listed in the Fourth Schedule after the commencement of this Act under circumstances that are deemed reasonable, and not contrary to the provisions of this Act, by the Authority or the Department and wishes to possess or keep the live individual(s) shall be required to apply for a Protected Fauna and Flora Possession permit not later than twelve working days from the date of possession of the live individual.

(5) The possession of any living protected species of fauna or flora listed in the Fourth Schedule and to which subsection (4) applies shall be allowed until the final determination of the Protected Fauna and Flora Possession permit.

(6) Where the Authority or the Department refuses to issue a Protected Fauna and Flora Possession permit or issues a Protected Fauna and Flora Possession permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

(7) Where a person is in possession of a living protected species of fauna or flora listed in the Fourth Schedule and is refused a Protected Flora and Fauna Possession permit, subject to any appeal by such person, the Authority or Department may dispose of



the living protected species of fauna or flora listed in the Fourth Schedule as it deems fit.

(8) Where the Authority or the Department disposes of living protected species of fauna or flora listed in the Fourth Schedule pursuant to subsection (7), a person in possession of such protected species of fauna or flora may apply to the Authority or the Department for compensation.

(9) Where, pursuant to subsection (8), a person is denied compensation by the Authority or the Department, such person may appeal to the Environmental Commission for the award of compensation.

(10) Every holder of a Protected Fauna and Flora Possession permit may be required to release, under the direction of the Authority or the Department, a prescribed number of fauna listed in the Fourth Schedule on an annual basis into an appropriate area as determined by the Authority or the Department.

Disposal of Carcass or  
Meat of Protected  
Species

**84.** (1) No person shall possess, sell or gift any carcass or meat of any protected species of fauna listed in the Fourth Schedule even where such person comes into possession of any carcass or meat of any protected species of fauna listed in the Fourth Schedule pursuant to a Fauna and Flora Propagation permit.

(2) A person in possession of any carcass or meat of any protected species of fauna listed in the Fourth Schedule shall immediately notify the Authority or Department who shall be responsible for disposing of the carcass or meat of the protected species of fauna listed in the Fourth Schedule.

**85.** (1) No person shall engage in any scientific research whatsoever with respect to any fauna or flora and their associated ecosystems or protected areas unless he applies for and obtains a Scientific Research permit in accordance with the regulations prescribed under this Act.

(2) Notwithstanding the provisions of sections 74, 75 and 77, the Authority or the Department may grant a Scientific Research permit for such scientific research which involves the hunting, harvesting or possessing of specimens of individuals of protected species of fauna or flora listed in the Fourth Schedule or partially protected species of fauna or flora, or any part of any such individual, dead or alive.

(3) A person applying for a Scientific Research permit to carry out a scientific research operation shall submit to the Authority or the Department a plan for the proposed operation, including a research protocol, and such other information as the Authority or the Department may reasonably require in order to make a decision.

(4) A Scientific Research permit granted under subsection (1) may cover a specified period or periods of time.

(5) A Scientific Research permit to undertake scientific research may only be granted to a person who satisfies the Authority or the Department that he —

(a) has access to or a guarantee of sufficient funds to undertake the operations in a satisfactory manner; and

(b) has the scientific competence to undertake the operations, as assured by any recognised learned society or institution of higher learning.

(6) The Authority or the Department may attach such terms, conditions and limitations to the Scientific Research permit granted under this section, as the Authority or the Department considers appropriate in the public interest.

(7) Without prejudice to the generality of subsection (6) and for the avoidance of doubt, it is declared that the Authority or the Department may attach to the Scientific Research permit granted under this section for bio-prospecting operations such terms, conditions and limitations concerning the ownership of intellectual property and sharing of financial returns from the commercialisation of products derived from the biological diversity of Trinidad and Tobago as the Authority or the Department considers appropriate in the public interest.

(8) Notwithstanding the approval of any other governmental entity for the conduct of scientific research in Trinidad or in Tobago, no person receiving such permission shall proceed with any scientific research without first receiving a Scientific Research permit.

(9) Where the Authority or the Department refuses to grant a Scientific Research permit or grants a Scientific Research permit with conditions, the person seeking the Scientific Research permit may appeal the decision to the Environmental Commission.

fauna or flora listed in the Fourth Schedule or partially protected species of fauna or flora for purposes of propagation unless such person applies for and receives a Fauna and Flora Propagation permit in accordance with the prescribed regulations.

(2) A Fauna and Flora Propagation permit may be subject to terms and conditions which in the consideration of the Authority or Department are necessary including, but not limited to, terms and conditions allowing the sale of the carcass or meat of any partially protected species of fauna obtained pursuant to Fauna and Flora Propagation Permit.

(3) The Authority or the Department may at its discretion require any person engaged in the propagation of any species of fauna and flora other than a protected species listed in the Fourth Schedule to apply for a Fauna and Flora Propagation permit.

(4) Where the Authority or the Department refuses to issue a Fauna and Flora Propagation permit or issues a Fauna and Flora Propagation permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

(5) Every holder of a Fauna and Flora Propagation permit may be required to release or transfer under the direction of the Authority or the Department, a prescribed number of species of fauna or flora on an annual basis into an appropriate area.

Fauna Rehabilitation  
Centre Permit

**87.** (1) No person shall establish or operate any facility for the rehabilitation of any living species of fauna unless such person applies for and receives a Fauna Rehabilitation Centre permit in accordance with the prescribed regulations.

(2) A Fauna Rehabilitation Centre permit may be subject to terms and conditions which in the consideration of the Authority or Department are necessary.

(3) Where the Authority or the Department refuses to issue a Fauna Rehabilitation Centre permit or issues a Fauna Rehabilitation Centre permit with conditions, the person seeking such permit may appeal the decision to the Environmental Commission.

(6) No Fauna Rehabilitation Centre shall sell, trade, gift, or otherwise dispose of any species of fauna that is rehabilitated save and except in accordance with a Fauna and Flora Dealer permit.

Living  
Organisms

Modified

**88.** (1) No person shall import, export or re-export, keep, store or use in any manner whatsoever, any living modified organisms unless he or she applies for and obtains a Living Modified Organisms permit in accordance with the regulations prescribed under this Act.

(2) A Living Modified Organisms permit may be subject to terms and conditions which in the consideration of the Authority or Department are necessary.

(3) Where the Authority or the Department refuses to issue a Living Modified Organisms permit or issues a Living Modified Organisms permit with conditions, the person seeking such Living Modified Organisms permit may appeal the decision to the Environmental Commission.

**PART VI**  
**MULTILATERAL ENVIRONMENTAL AGREEMENTS**

Incorporation of  
Multilateral  
Environmental  
Agreements

**89.** (1) A multilateral environmental agreement relating to forests and forest resources, protected areas and wildlife to which Trinidad and Tobago is a party may be given effect through the enactment of regulations prescribed by the Minister pursuant to this Act, and any such regulations may deal with the following—

- (a) the co-ordination of the implementation of the multilateral environmental agreement;
- (b) the allocation of responsibilities in terms of implementing the multilateral environmental agreement including those of other government entities;
- (c) the gathering of information, including for the purposes of compiling and updating reports required under the multilateral environmental agreement and for submission to the Parliament;
- (d) the dissemination of information related to the multilateral environmental agreement and reports and decisions from international meetings held in relation to the multilateral international agreement;
- (e) initiatives and steps regarding research, education, training, awareness-raising and capacity-building and public participation;
- (f) the implementation of and compliance with the provisions of the multilateral environmental agreement and reports and decisions from international meetings held under the multilateral environmental agreement, including the creation of offences and the prescription of penalties where

applicable;

- (g) the nomination of a person, group of persons or body to serve as a scientific authority, management authority or any other authority for any purpose for which a scientific authority or such other authority is required by the multilateral environmental agreement;
- (h) ensuring public participation; and
- (i) any other matter necessary to give effect to the multilateral environmental agreement.

Applicability  
agreements

to **90.** This Part applies to any multilateral environmental agreement relating to forests and forest resources, protected areas and wildlife whether Trinidad and Tobago became a party to it before or after the coming into force of this Act.

## **PART VII AUTHORISED OFFICERS**

Appointment of  
authorised officers  
Ch. 15:02

**91.** The Authority and the Department may appoint such persons as authorised officers for the proper administration of this Act and such authorised officers may be precepted as constables under the Supplemental Police Act.

Appointment of  
wardens

**92.** The Minister may from time to time, on the recommendation of the Board or the Chief Secretary by Notice published in the *Gazette*, appoint fit and proper persons under such terms and conditions as the Minister may state in the instrument of appointment to be Honorary Nature Wardens for the purpose of assisting in the carrying out of this Act.

## **PART VIII**

### **MONITORING, INSPECTION AND ENFORCEMENT**

Powers of entry, search  
and seizure

**93.** (1) Subject to subsection (2), an authorised officer may at any reasonable time enter any premises for the purposes of determining compliance with any provision or requirement of this Act.

(2) A person authorised under subsection (1) to enter any premises shall, upon request by the owner or person having a legal interest in the premises, produce evidence of his authority before entering, and is entitled to admission with the permission of the owner or person having a legal interest in the premises.

(3) If the Authority or Department has reason to believe that a contravention of the provisions of the Act has occurred or is about to occur, and the circumstances are such that giving notice of the intended entry, in accordance with subsection (1) above, would defeat the purpose for which entry is sought, any authorised officer may enter any premises under a warrant issued by a Magistrate.

(4) In the course of any entry under this section, an authorised officer may -

- (a) require any such person to produce for inspection any species of fauna or flora or specimen thereof in his possession;
- (b) any permit or other document issued to him under this Act;
- (c) seize any species of fauna or flora in the possession of any such person;



- (d) seize all guns, hounds, boats, vehicles, articles or other equipment which he has cause to suspect was used in connection with any contravention of this Act;
- (e) review and copy any documents or other records;
- (f) take photographs or other audio or visual recordings; or
- (g) take samples of air, water, soil, specimen of fauna or flora or other material found on or in the premises.

Power to arrest

**94.** (1) An authorised officer who is precepted and has reasonable grounds to believe that a person has committed an offence under this Act may –

- (a) stop and search any person and any vehicle, vessel or other conveyance in the possession, custody or control of such person or in which such person happens to be, and open and search any baggage or other thing in his possession; and seize any vehicle, vessel or other conveyance, baggage or thing;
- (b) stop and question any person within a protected area whom he reasonably believes is not permitted to be there;
- (c) stop and question any person whom he reasonably believes is in possession of any protected or partially protected species of fauna and flora and seize such protected or partially protected species of fauna and flora; or
- (d) call upon any person to produce a permit or permission or exemption that he is or was at the time required to have in his possession.

(2) An authorised officer who is precepted may –

- (a) arrest any person without warrant that he reasonably suspects of being concerned in an offence under sections

107(1) of this Act;

- (b) arrest any person without warrant that he reasonably suspects of being concerned in an offence under section 107(1) if he has reason to believe that such person will abscond; or
- (c) arrest any person without warrant found committing an offence under section 107(1) of this Act whether or not the name and place of abode of such person is known to him.

Offender to be taken to  
nearest police station

**95.** Where an authorised officer makes an arrest in the exercise of his powers conferred upon him by this Act, he shall as soon as is reasonably practicable, take such person to the officer in charge of the nearest police station.

Production of seized  
items

**96.** Where an authorised officer seizes any conveyance, article or thing pursuant to sections 93 and 94 above, he shall without undue delay produce such thing before the Authority, Department or Magistrate where appropriate.

Sampling and testing

**97.** (1) When a sample is taken pursuant to section 93(4)(g), the person taking the sample shall—

- (a) notify the person in charge of the premises from which the sample was obtained of his intention to submit the sample for analysis or examination;
- (b) divide the quantity into three parts where appropriate, causing each part to be marked and sealed in such manner as the nature of the sample permits;
- (c) deliver one of the parts to the person in charge of the premises from which the sample was obtained;

- (d) retain one of the parts for future comparison or verification;  
and
- (e) submit the third part for analysis or examination as soon as  
may be practicable.

(2) Every sample taken in accordance with subsection (1) shall be submitted to an accredited scientific laboratory for analysis or examination in accordance with internationally accepted forensic procedures.

## **PART IX**

### **ENFORCEMENT NOTICES AND CESSATION ORDERS**

#### Enforcement Notices

**98.** (1) Where it appears to the Authority or the Department that the undertaking of any activity in any protected area or buffer zone is such as to pose a serious threat to the ecological or archaeological resources of the area, the Authority or Department may serve on any person who has carried out or is carrying out such activity, an Enforcement Notice -

- (a) specifying such activity;
- (b) requiring that person to take such steps within such period as may be specified in the notice to abate the effect of such activity and to restore the area to the former condition; and
- (c) specifying such other matters as the Authority or Department believes are necessary for the protection of the protected area or buffer zone.

(2) The Authority or the Department may, in the Enforcement Notice, order the immediate cessation of the offending activity if it

is of the opinion that the circumstances giving rise to the notice are such as to warrant an order to that effect and an invitation to make representations to the Authority or Department where appropriate within a specified time.

(3) Where representations are made to the Authority or Department under subsection (2), the Enforcement Notice shall remain effective until such time a decision is given on the representations made.

Authority may take  
steps to ensure  
cessation of activity

**99.** (1) Where an enforcement notice takes effect within the time specified therein or such extended period as the Authority or Department may allow and any steps required to be taken by the Enforcement Notice have not been taken, the Authority or Department may, with the consent of the person on whom the notice is served, or on the authority of a warrant, enter on the land or area on which the activity is taking place and take such steps as are reasonably necessary to ensure cessation of the activity and compliance with the notice.

(2) All expenses reasonably incurred by the Authority or Department pursuant to subsection (1) may be recovered as a civil debt from the person responsible for carrying out such activity.

(3) A person served with an Enforcement Notice by the Authority or Department may appeal to the Environmental Commission.

**PART X**  
**ADMINISTRATIVE REQUIREMENTS**

Environmental  
Requirement

**100.** For the purposes of this Part and Parts II and XI, an “administrative requirement” means the requirement upon a person to –

- (a) provide in a timely manner complete and accurate information in any required submission to or communication with the Authority or Department or in response to any inspection or request for information by the Authority or Department; and
- (b) comply with requirements for payment of fees payable under this Act.

**PART XI**  
**CIVIL ADMINISTRATIVE PROCEEDINGS**

Notice of Violation

**101.** (1) Where the Authority or Department reasonably believes that a person is in breach of an environmental requirement or has committed any offence under this Act for the first time, the Authority or Department shall serve a written Notice of Violation on such person in a form determined by the Authority or the Department which shall include—

- (a) a statement of the violation(s) or specific offence(s) with which the accused person is to be charged, together with such particulars as may be necessary for giving reasonable information as to the nature of the charge;

- (b) an administrative civil assessment;
- (c) an invitation to the person to make representations to the Authority or the Department concerning the matters specified in the Notice of Violation within a specified time; and
- (d) such other matters as the Authority or the Department believes are necessary.

(2) Where a matter specified in the Notice of Violation may be satisfactorily explained or otherwise resolved between the person and the Authority or the Department within twenty-eight (28) days of service of the Notice of Violation —

- (a) the Authority or Department may dismiss the matters specified in the Notice of Violation; or
- (b) an agreed resolution may be reduced in writing into a Consent Agreement which shall include the administrative civil assessment.

(3) The Authority or Department may, where reasonably necessary, extend time for the resolution of a Notice of Violation as contemplated by subsection (2).

(4) Notwithstanding section 101(1), the Authority or Department may, where a person has committed any offence under this Act for the first time, elect to have such offence dealt with by the Director of Public Prosecution in accordance with the provisions of the Summary Courts Act, Ch. 4:20.

- (a) fails to make representations to the Authority or the Department within the time specified in the Notice of Violation;
- (b) is unable to resolve with the Authority or the Department any or all matters specified in the Notice of Violation; or
- (c) fails to comply with the terms and conditions of a Consent Agreement within the stipulated timeframe stated therein

direct that the alleged offence(s) be dealt with by the Director of Public Prosecution in accordance with the provisions of the Summary Courts Act, Ch. 4:20.

Administrative  
Assessment

Civil

**103.** For the purposes of section 101(1)(b), the Authority or the Department may include in an administrative civil assessment—

- (a) compensation for actual costs incurred by the Authority or Department to respond to the offence or breach of an environmental requirement;
- (b) compensation for damages to forests and forest resources, protected areas and wildlife which arise out of the offence or breach of an environmental requirement;
- (c) damages for any economic benefit or amount saved by a person through failure to comply with this Act;
- (d) damages for losses suffered by third parties as assessed by the Authority or the Department;
- (e) an administrative penalty of up to:
  - (i) for an individual, Fifty Thousand Dollars (\$50,000.00);
  - or
  - (ii) for a person other than an individual, One Hundred Thousand Dollars (\$100,000.00) for each violation; and

- (f) an order that any conveyance, article or thing seized be forfeited or disposed of as the Authority or the Department deems fit.

Other actions by the Authority or Department

**104.** Whenever the Authority or the Department reasonably believes that any person is currently engaged in the commission of an offence or in any activity which would lead to an offence under this Act, the Authority or the Department may make an *ex parte* or *inter partes* application to the Environmental Commission for -

- (a) a restraining order or other injunctive or equitable relief to prohibit the continued commission of the offence;
- (b) a restraining order or other injunctive or equitable relief to prevent the activity which may likely lead to a commission of an offence; or
- (c) any other remedy which may be provided by law.

## **PART XII**

### **CRIMINAL PROCEEDINGS**

Criminal Procedure

**105.** (1) Where a person allegedly commits an offence under this Act for a second time, such person is liable to be dealt with in accordance with the provisions of the Summary Courts Act save and except where the Director of Public Prosecutions has expressly directed that the offence be dealt with pursuant to Part XI of this Act.

(2) In order to give effect to subsection (1), the Authority or the Department shall inform the Director of Public Prosecutions of the alleged commission of an offence under this Act within



fourteen (14) days of the date on which the alleged commission of the offence came to the knowledge of an authorised officer.

(3) The Director of Public Prosecutions shall, within thirty (30) days of receiving notification of the alleged commission of an offence under this Act, inform the Authority or the Department of his decision as to whether to proceed to have the alleged offence prosecuted in accordance with the provisions of the Summary Courts Act Ch. 4:20 or dealt with by the Authority or the Department in accordance with the administrative proceedings outlined in Part XI of this Act.

(4) Subject to section 81 of the Summary Courts Act Ch 4:20, all fines imposed under this Act shall, except as otherwise expressly provided for in this Act, be paid into the Trinidad Fund or the Tobago Fund as appropriate.

(5) All administrative or criminal proceedings for an alleged offence under this Act shall be commenced within six months of the date on which the alleged commission of the offence came to the knowledge of an authorised officer.

(6) Nothing in this Act shall prevent the continuation of any legal proceedings taken under any legislation repealed by this Act.

Responsible Corporate  
Officer

**106.** (1) Where an offence under this Act is alleged to have been committed with the consent, connivance or acquiescence of, or to have been facilitated by neglect on the part of a director, manager, secretary, supervisor or other officer of a company or governmental entity, such director, manager, secretary, supervisor or other officer, as well as the company or governmental entity, is

liable to be proceeded against for the commission of the offence.

(2) Where an employer, owner or person having a legal interest in the premises is alleged to have committed an offence under this Act, he may make a complaint against any person whom he alleges to be the actual offender and the proceedings against the employer, owner or person having a legal interest in the premises and the person alleged to be the actual offender may be heard and determined at the same time.

(3) Where an offence is allegedly committed under this Act and an authorised officer is satisfied—

- (a) that the employer, owner or person having a legal interest in the premises has taken reasonable steps to prevent the contravention;
- (b) as to the identity of the person who is alleged to have committed the offence; and
- (c) that it was committed without the consent, connivance or wilful default of the employer, owner or person having a legal interest in the premises, or in disobedience of his orders,

the authorised officer may proceed against the alleged offender without first proceeding against the employer, owner or occupier.

(4) Where under any of the provisions of this Act, a person is substituted for the employer, owner or person having a legal interest in the premises, any order, summons, notice or proceedings, which for the purpose of those provisions is by this

Act required or authorized to be served or taken in relation to the employer, occupier or owner, shall be served on or taken in relation to that person.

(5) A document required or authorized to be served or sent under this Act may be served on or sent to—

- (a) an individual, by delivering it to him or sending it by registered post to his residence;
- (b) a firm, by delivering it to a partner of the firm or sending it by registered post to the registered office of the firm; and
- (c) a body corporate—
  - (i) by delivering it to a person in a position of responsibility at its registered office; or
  - (ii) by sending it by registered post to the registered office.

## **PART XIII**

### **OFFENCES**

#### Offences

**107.** (1) The following shall be offences under this Act –

- (a) any person who harvests timber listed in the Second Schedule on private lands or lands leased from the State unless permitted by the Authority or Department and in accordance with the conditions of a Private Timber Harvesting permit issued to him ;
- (b) any person who harvests timber from State lands other than through a State Lands Timber Harvesting permit or a Concession Area Timber Harvesting permit and in accordance with the conditions of the permit issued to him ;
- (c) any person who transports logs or uses equipment for the haulage of logs, harvested pursuant to a State Lands Timber Harvesting permit or a Concession Area Timber Harvesting permit or a Protected Area Timber Harvest permit, from the place of harvest to the nearest roadway for removal to a Timber Collection Facility or a Sawmill unless permitted by the Authority or Department and in accordance with the conditions of a Log Haulage permit issued to him ;
- (d) any person who transports timber, harvested pursuant to a Private Timber Harvesting permit or a State Lands Timber Harvesting permit or a Concession Area Timber Harvesting permit or a Protected Area Timber Harvest permit, by any means whatsoever along any roadway, whether private or State, to a Timber Collection Facility or Sawmill unless permitted by the Authority or Department and in accordance with the conditions of a

- Timber Transportation permit issued to him;
- (e) any person who transports timber, harvested pursuant to a Private Timber Harvesting permit or a State Lands Timber Harvesting permit or a Concession Area Timber Harvesting permit or a Protected Area Timber Harvest permit, to a place other than a Timber Collection Facility or Sawmill unless exempted by the Authority or Department;
  - (f) any person who stores timber, harvested pursuant to a Private Timber Harvesting permit or a State Lands Timber Harvesting permit or a Concession Area Timber Harvesting permit or a Protected Area Timber Harvest permit, unless permitted by the Authority or Department and in accordance with the conditions of a Timber Collection Facility permit issued to him;
  - (g) any person who exports any unprocessed timber harvested pursuant to a Private Timber Harvesting permit or a State Lands Timber Harvesting permit or a Concession Area Timber Harvesting permit or a Protected Area Timber Harvest permit unless permitted by the Authority or Department and in accordance with the conditions of a Timber Export permit issued to him;
  - (h) any person who operates a Sawmill unless permitted by the Authority or Department and in accordance with the conditions of a Sawmill permit issued to him;
  - (i) any person who operates a Furniture Manufacturing Facility unless permitted by the Authority or Department and in accordance with the conditions of a Furniture Manufacturing Facility permit issued to him ;
  - (j) any person who extracts non-timber forest products from, or cuts for the purpose of extracting non-timber

forest products any tree or removes, hauls or transports any non-timber forest products or tree cut for the purpose of extracting non-timber forest products from State lands or lands leased from the State;

- (k) any person who extracts non-timber forest products from, or cuts for the purpose of extracting non-timber forest products any tree growing on private land or removes and transports any non-timber forest products or tree cut for the purpose of extracting non-timber forest products unless permitted by the Authority or Department and in accordance with the conditions of a Non-Timber Forest Products Extraction, Removal and Transportation permit issued to him ;
- (l) any person who produces Charcoal unless permitted by the Authority or Department and in accordance with the conditions of a permit issued to him ;
- (m) any person who knowingly counterfeits upon any tree or timber, or has in his possession any implement for counterfeiting, a mark used by authorised officers to indicate that such tree or timber is the property of the Government, or of some person, or that it may lawfully be felled or removed by some person;
- (n) any person who unlawfully or fraudulently affixes to any tree or timber a mark used by authorised officers;
- (o) any person who alters, defaces or obliterates any such mark placed on any tree or timber by or under the authority of an authorised officers;
- (p) any person who interferes, damages, removes, tampers or defaces any mark, device, sign or article used by the Authority or the Department to define the boundary of a protected area;

- (q) any person who contravenes the conditions or prohibitions contained in any management plan;
- (r) any person who conducts any activity or development within any protected area unless permitted by the Authority or Department and in accordance with the conditions of a Protected Area Special Development permit issued to him;
- (s) any person who pollutes or causes to be polluted any water in a river, stream, ravine, well, dam, reservoir or other watercourse in a protected area;
- (t) any person who harvests, hauls or transports timber from a protected area unless permitted by the Authority or Department and in accordance with the conditions of Protected Area Timber Harvest permit issued to him;
- (u) any person who plants any species of flora, or sows or scatters the seed of any species of flora, or introduces any substance that he knows or ought to have known is injurious to any species of fauna and flora in a protected area;
- (v) any person who starts a fire in any protected area unless permitted by the Authority or Department and in accordance with the conditions of a Fire permit issued to him;
- (w) any person who erects, displays or causes to be displayed in a other protected area, a sign or bill board containing any advertising or other kind of commercial message without the permission of or a permit granted by the Authority, Department or competent body which has responsibility for the management of the protected area;

- (x) any person who within a protected area –
  - (i) parks a conveyance in any place other than a place designated for that purpose by the Authority or Department;
  - (ii) parks a conveyance in such a manner so as to obstruct or cause danger to other persons; or;
  - (iii) abandons a conveyance or leaves it in a position, condition or in such circumstances so that it appears to be abandoned;
- (y) any person who hunts or harvests any protected living species of fauna or flora listed in the Fourth Schedule;
- (z) any person who hunts or harvests any protected living species of fauna or flora not listed in the Fourth Schedule that is subject to a Stop Notice issued by the Authority or the Department;
- (aa) any person found to be responsible for the control of a protected living species of fauna or flora not listed in the Fourth Schedule which is impounded, hunted, harvested or possessed by an authorised officer acting on behalf of the Authority or Department;
- (bb) any person in possession of any protected living species of fauna or flora not listed in the Fourth Schedule without a Special Fauna and Flora Possession Permit as requested by the Authority or Department;
- (cc) any person in possession of any protected living species of fauna or flora listed in the Fourth Schedule without a Protected Fauna and Flora Possession Permit;
- (dd) any person who hunts any partially protected species of fauna unless permitted by the Authority or



- Department and in accordance with the conditions of a Wildlife Hunting permit issued to him ;
- (ee) any person who fails to submit a Wildlife Hunting Return together with his Wildlife Hunting Permit to the Authority or the Department;
  - (ff) any person who possesses any carcass or meat of any partially protected fauna obtained under a Wildlife Hunting Permit twenty one days after the expiration of the Wildlife Hunting Permit under which the carcass or meat of the partially protected fauna was obtained without the written permission of the Authority or Department;
  - (gg) any person who sells any carcass or meat of any partially protected fauna obtained under a Wildlife Hunting Permit;
  - (hh) any person who disposes of any carcass or meat of any protected species of fauna listed in the Fourth Schedule;
  - (ii) any person who harvests any partially protected species of flora unless permitted by the Authority or Department and in accordance with the conditions of a Flora Harvesting permit issued to him ;
  - (jj) any person who hunts or harvests a species of fauna or flora subject to a Preservation Order;
  - (kk) any person who imports, exports or re-exports any specimen or attempts to import, export or re-export any specimen unless permitted by the Authority or Department and in accordance with the conditions of a Trade permit issued to him ;
  - (ll) any person who engages in the sale of any non- native non- domesticated species of fauna or flora or protected

species of fauna or flora listed in the Fourth Schedule or partially protected species of fauna or flora unless permitted by the Authority or Department and in accordance with the conditions of a Fauna and Flora Dealer permit issued to him ;

(mm) any person who possesses any living partially protected species of fauna or flora captured under a Wildlife Hunting permit or Flora Harvesting permit unless permitted by the Authority or Department and in accordance with the conditions of a Partially Protected Fauna and Flora Possession permit issued to him ;

(nn) any person who possesses, sells or gifts any carcass or meat of any partially protected species of fauna except where obtained through a Fauna and Flora Propagation permit;

(oo) any person who engages in any scientific research whatsoever with respect to any fauna and flora and their associated ecosystems or protected area unless permitted by the Authority or Department and in accordance with the conditions of a Scientific Research permit issued to him;

(pp) any person who engages in any propagation whatsoever with respect to any fauna and flora unless permitted by the Authority or Department and in accordance with the conditions of a Fauna and Flora Propagation permit issued to him ;

(qq) any person who establishes or operates any facility for the rehabilitation of any species of fauna unless permitted by the Authority or Department and in accordance with the conditions of a Fauna Rehabilitation Centre permit issued to him ;

- (rr) any person served with an Enforcement Notice and who contravenes the orders in an Enforcement Notice;
- (ss) any person who requires a permit under this Act and fails to produce a permit for inspection by an authorised officer;
- (tt) any person who assaults, obstructs or resists any authorised officer, or any person authorised by him, in the execution of his or her duty, or aids or incites any other person so to assault, obstruct or resist any authorised, or any person authorised by him, or any person aiding or assisting such authorised officer, or any person authorised by him, in the execution of his duty; and
- (uu) any person who, having been disqualified from holding or obtaining a permit, engages in any activity which requires such permit, or obtains or attempts to obtain a permit, without disclosing any convictions.

(2) Where the offences in subsection (1) above are prosecuted in accordance with the Summary Courts Act Ch. 4:20, a person found guilty is liable to a fine of up to Two Hundred Thousand Dollars (\$100,000.00) and/ or imprisonment for up to two years.

(3) Where a person is convicted of an offence under the Summary Courts Act Ch. 4:20 pursuant to section 105(1), and the Court is satisfied that –

- (a) the person owns the conveyance, article or thing used in the commission of the offence; or
- (b) the owner thereof permitted it to be used; or

(c) the circumstances are otherwise such that it is just to do so,

the Court may order the forfeiture of the conveyance, article or thing.

(4) Any person found in a protected area in possession of any protected species of living fauna or flora listed in the Fourth Schedule or partially protected species of fauna or flora or the carcass or meat of any protected species of fauna listed in the Fourth Schedule or the carcass or meat of any partially protected species of fauna shall be deemed to have hunted or harvested such species in such protected area unless the contrary be proved, the onus of which shall lie upon the person charged.

## **PART XIV**

### **JURISDICTION OF THE ENVIRONMENTAL COMMISSION OF TRINIDAD AND TOBAGO**

Jurisdiction of the  
Environmental  
Commission

**108.** (1) The Environmental Commission (“the Commission”) of Trinidad and Tobago, established under section 81 of the Environmental Management Act Ch. 35:05, shall have jurisdiction to hear and determine -

- (a) an application for determination of any compensation payable under this Act;
- (b) an appeal of a decision to grant with conditions or refuse a permit under this Act;
- (c) an appeal of a decision to refuse to transfer a permit under this Act;

- (d) an appeal of the revocation or suspension of a permit under this Act;
- (g) an appeal of the refusal to vary a permit under this Act;
- (h) an appeal of a decision to refuse to renew a permit under this Act;
- (i) an application to determine a Stop Notice under section 74;
- (j) an appeal of the issuance of an Enforcement Notice by the Authority or the Department under section 98;
- (k) an appeal of the acceptance or refusal of a claim for confidentiality made under section 35(8) of this Act; and
- (l) an appeal with respect to any decision made or action taken or not taken by the Minister, the Board, the Chief Secretary, the Authority or the Department under this Act.

(2) The provisions of section 85 of the Environmental Management Act and the Rules of the Environmental Commission made pursuant to Section 84(15) of the Environmental Management Act shall apply as to the practice and procedure for an application or appeal made under subsection (1).

(3) Upon hearing an application or appeal or other proceedings under subsection (1), the Commission shall, in addition to the powers set out in the Environmental Management Act, have the power to:

- (a) make any order that any conveyance, article or thing seized pursuant to section 93 and section 94 be retained for a specified period;
- (b) make any order that any conveyance, article or thing seized pursuant to section 93 and section 94 be forfeited to the State;
- (c) make such order in relation to a matter before it as it

considers fair and just having regard to the interests of the environment and of affected persons or communities.

Standing

**109.** An application or appeal to the Environmental Commission may be made by the following:

- (a) a person whose interests are adversely affected by a decision; or
- (b) a person or a group of persons dissatisfied by any decision made or action taken or not taken by the Minister, the Board, the Chief Secretary, the Authority or the Department under this Act.

Decision of  
Commission final

**110.** The decision of the Commission shall be final, but an appeal may lie on any question of law to the Court of Appeal of Trinidad and Tobago.

## **PART XV**

### **FORESTRY, PROTECTED AREAS AND WILDLIFE CONSERVATION FUNDS AND FINANCE**

Establishment and purpose  
of Funds

**111.** (1) For purposes authorised by this Act, there is hereby established a Trinidad Fund and a Tobago Fund which shall be used to finance the operations of the Authority and the Department respectively for the following purposes, including –

- (a) incentive measures for the protection, preservation, management and enhancement of protected areas and wildlife;
- (b) the promotion of public awareness and educational

programmes to enhance the understanding of individuals, community groups, organisations and corporate entities in the preservation, protection and management of these areas and their resources;

- (c) emergency response activities to address actual or potential threats to these areas and their resources, including the remediation or restoration of these areas or other precautionary measures to prevent the degradation of these areas and their biological diversity; and
- (d) such other purposes as may be reasonably necessary for giving effect to this Act and any other enactment with similar object or purpose.

Trustees of the Funds

**112.** (1) Five members of the Board (other than the Managing Director) shall be designated by the President to act as Trustees of the Trinidad Fund and the Tobago Fund and they shall be responsible for its administration.

(2) A Trustee shall terminate his office at such time as he ceases to be a member of the Board.

Resources of Funds

**113.** (1) The resources of the Trinidad Fund and the Tobago Fund shall consist of –

- (a) such amounts as may be appropriated annually or specially by Parliament for the use and operation of the Authority and the Department;
- (b) such amounts which the Authority and the Department are authorised to collect as royalties, payments for services rendered, fees levied for issue of permits under this Act or any fees, charges and dues which may be prescribed by

regulations made under this Act;

- (c) grants, covenants, donations and other receipts provided to the Authority and the Department;
- (d) such amounts which are provided to the Authority or the Department or the Government of Trinidad and Tobago by Foreign States, international organisations, lending agencies, foundations or other entities to further the objects of this Act;
- (e) such amounts as may be borrowed by the Authority under section 115; and
- (f) all other sums that may in any manner become lawfully payable to or vested in the Authority or the Department in respect of any matters incidental to their functions, powers and duties under this Act.

Investment of Fund  
monies

**114.** (1) All monies which comprise the Trinidad Fund and the Tobago Fund and which do not have to be immediately expended to meet any obligation or discharge any of their functions shall be invested in such a manner as the Trustees consider appropriate with the object of preserving the principal and achieving a reasonable rate of return and any such investment shall be approved either generally or specifically by the Board or the Chief Secretary in consultation with the Minister.

(2) The Trustees shall possess the authority necessary to undertake such investments as are authorised under subsection (1), including the power to buy and sell such securities or other obligations as the Board or Chief Secretary deem appropriate.

Borrowing powers of the  
Authority

**115.** (1) Subject to the provisions of subsection (2), the



Authority may borrow sums of monies required by it for meeting any of its obligations or discharging any of its functions.

(2) The power of the Authority to borrow shall be exercisable only through the Minister with the approval of the Minister responsible for finance, as to the amount, the source of borrowing and the terms on which the borrowing may be effected, and an approval given in any respect for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise, or may be either unconditional or subject to conditions.

(3) The Authority may not pledge its assets as security for any loan without the written approval of the Minister to whom responsibility for finance is assigned.

Authority to be a Statutory  
Authority

**116.** The Authority is a Statutory Authority for the purposes of the Guarantee of Loans (Statutory Authorities) Act Ch. 71:81.

Expenses and accounts of  
the Authority and the  
Department

**117.** (1) The expenses of the Authority and the Department, including the remuneration of members and staff thereof, shall be paid out of the Trinidad Fund and the Tobago Fund.

(2) The Authority and the Department shall keep proper accounts and other records of its transactions and financial affairs and shall prepare an annual statement of accounts for submission to the Minister.

(3) The accounts of the Authority and the Department shall be audited annually by the Auditor General or by an auditor appointed by the Auditor General on his behalf.

Report to the Minister

**118.** (1) Within two months of the receipt of the audited accounts, the Authority and the Department shall transmit to the Minister –

- (a) a statement of its accounts audited in accordance with section 117(3); and
- (b) a report dealing generally with the proceedings and policies of the Authority and the Department during that financial year.

(2) The Minister shall, within one month of the receipt of the statements referred to in subsection (1), cause a copy of such report together with the annual statement of accounts and the auditor's report to be tabled in Parliament.

Authority and Department  
to submit estimates

**119.** (1) The Authority and the Department shall, not later than the first day of July of each year, prepare and submit to the Minister the estimates of revenues, financial resources and expenditures of the Authority and the Department for the next financial year in such form as the Minister may direct.

(2) The financial year of the Trinidad Fund and the Tobago Fund shall be 1<sup>st</sup> October to 30<sup>th</sup> September in each year.

Exemption from taxes

**120.** (1) The Trinidad Fund, the Tobago Fund and the

Authority shall be exempt from –

- (a) value added tax;
- (b) income tax;
- (c) property tax; and
- (d) stamp duty in respect of –

- (i) any property acquired, transferred, or leased to it;
- (ii) all instruments executed by or on its behalf; and
- (iii) motor vehicle taxes.

(2) No customs duty or any similar impost shall be payable by the Authority in respect of any article imported into Trinidad and Tobago and shown to the satisfaction of the Comptroller of Customs and Exercise to be required for the use of the Authority in the performance of its functions.

## **PART XVI**

### **REGULATIONS AND RULES**

#### **Regulations**

**121.** (1) The Minister may, on recommendation by the Authority or the Department, make regulations for matters required to be prescribed or permitted by this Act and which are necessary or convenient for giving effect to the provisions of this Act.

(2) Without limiting the generality of subsection (1), such

regulations may provide for –

- (a) the payment of fees for permits and concessions payable under this Act;
- (b) the payment of any compensation payable to persons other than the State under this Act and the manner of applying for such compensation;
- (c) the designation, protection, management and control of protected species of fauna and flora;
- (d) the designation, protection, management and control of partially protected species of fauna and flora;
- (f) the designation, protection, management, use and control of protected areas;
- (g) the making of surveys and protection of boundary and survey marks;
- (h) the protection of unprotected species of fauna and flora;
- (i) the regulation of trade in and the transit, import, export or re-export of specimens of fauna and flora;
- (j) the form and manner of –
  - (i) applying for any permit, permission or certification that may be required or granted by the Authority or Department; and
  - (ii) revoking, suspending, varying, amending, cancelling or transferring any permit, permission or certification permit or a condition in any permit, permission or certification.
- (k) prescribing conditions to be imposed in permits or other documents to be issued under this Act;
- (l) the implementation of any multilateral environmental agreement relating to any matter governed by this Act to which Trinidad and Tobago may from time to time be a party;

- (m) imposition of penalties for violation of this Act or the regulations made under this Act;
- (n) the proper control of the system of accounting and the financial management of the Authority and the Department including provision for an adequate system of internal auditing; and
- (o) anything required to give effect to the provisions of this Act.

(3) Any regulations made under this Act may prescribe specific offences in accordance with section 107.

(4) Any Regulations made under this Act shall consider the principles set out in section 4 and the overall intent of this Act.

(5) Any Regulations made under this Act shall be published in the *Gazette* in accordance with the procedure prescribed thereunder.

## **PART XVII**

### **MISCELLANEOUS**

Amendment of Schedules

**122.** The Minister shall upon recommendation by the Board or Chief Secretary, by Order published in the *Gazette*, add to, vary or delete any Schedule to this Act.

Fees

**123.** Any fees payable with respect to any application made or permit or other documentary authorisation granted pursuant to this Act by the Authority or the Department are to be paid into the Trinidad Fund or Tobago Fund.

Forms

**124.** Except where otherwise provided for in this Act, the form of any application, notice or other document required to be made, issued or served under this Act shall be prepared by the Authority or Department and may be amended from time to time as the Authority or Department deems fit.

Service of Documents

**125.** (1) Service upon the Authority of any notice, order or other document shall be effected by delivering the same, or by sending it by registered post addressed to the Managing Director, at the office of the Authority.

(2) Service upon the Department of any notice, order or other document shall be effected by delivering the same, or by sending it by registered post addressed to the Secretary, at the office of the Department.

Intervention by the  
Attorney General

**126.** (1) The Attorney General shall have the power to intervene in any proceedings before the Environmental Commission as the official representative of the Government of Trinidad and Tobago.

(2) Where the Authority or Department is a party in a case in which the Attorney General intervenes as authorised in subsection (1), the Authority or Department may continue to be represented by its own counsel.

Ethical Standards and  
Prohibitions

**127.** (1) If any member or employee of the Authority, Department, Board, Chief Secretary, Trinidad Fund, Tobago Fund, or authorised officer, directly or indirectly demands or accepts any fee, perquisite, bribe, gratuity, recompense or reward, whether

pecuniary or otherwise, from any person on account of anything done or to be done (or omitted or to be omitted) by such representative in any way relating to his office or employment, or if any representative attempts to make any collusive agreement to neglect his duty or to conceal or connive at any act whereby any provision of this Act or any other law may be evaded or violated, such representative commits an offence and is liable, on summary conviction, to a fine of up to Two Hundred Thousand Dollars (\$100,000.00) and/ or imprisonment for up to two years.

(2) Every person who offers or provides any member or employee of the Authority, Department, Board, Chief Secretary, Trinidad Fund, Tobago Fund, or authorised officer, any fee, perquisite, bribe, gratuity, recompense or reward, whether pecuniary or otherwise, on account of anything done or to be done (or omitted or to be omitted) by such representative in any way relating to his office or employment, or attempts to make any collusive agreement for any such representative to neglect his duty or to conceal or connive at any act whereby any provision of this Act or any other law may be evaded or violated, commits an offence and is liable, on summary conviction, to a fine of up to Two Hundred Thousand Dollars (\$100,000.00) and/ or imprisonment for up to two years.

Conflict of Interest

**128.** (1) Where any member or employee of the Authority, Department, Board, Chief Secretary, Trinidad Fund, Tobago Fund, or authorised officer, has any actual or reasonably perceived interest in a matter which would otherwise come before such

individual as part of the consideration or other action to be taken by the Board, Chief Secretary, Authority, Department, Trinidad Fund or Tobago Fund whether such interest is direct or indirect or arises because of a potential financial interest or an immediate family relationship, such member or employee of the Authority, Department, Board, Chief Secretary, Trinidad Fund, Tobago Fund, or authorised officer shall declare the nature of such interest at the first practicable opportunity.

(2) In any instance which arises under subsection (1), such member or employee of the Authority, Department, Board, Chief Secretary, Trinidad Fund or Tobago Fund, shall not vote or otherwise participate in the decision-making process, or attempt to influence in any way the decision or action taken or to be taken by the Authority, Department, Board, Chief Secretary, Trinidad Fund or Tobago Fund, with respect to such matter.

(3) If any action has already been taken by the Authority, Department, Board, Chief Secretary, Trinidad Fund or Tobago Fund before such interest has been identified or disclosed, the action taken shall be subject to reconsideration by Authority, Department, Board, Chief Secretary, Trinidad Fund or Tobago Fund.

(4) Any member or employee of the Authority, Department, Board, Chief Secretary, Trinidad Fund, Tobago Fund, or authorised officer who knowingly violates the requirements of this section, commits an offence and is liable, on summary conviction, to a fine of up to Two Hundred Thousand Dollars (\$100,000.00) and/ or imprisonment for up to two years.



Acts done in good faith

**129.** Any member or employee of the Authority, Department, Board, Chief Secretary, Trinidad Fund, Tobago Fund, authorised officer or competent body authorised by or under this Act to carry out any function or exercise any power or perform any duty may be held personally liable in any court for or in respect of any act or matter done or omitted to be done in good faith in the exercise or discharge of that function or power or duty.

Reservation of civil remedies

**130.** Nothing in this Act shall take away or interfere with the right of the State or any other person to sue for and recover, at common law or otherwise, compensation for or in respect of damage or injury caused by an offence or breach of an administrative requirement under this Act.

Relationship with other governmental entities

**131.** If the approval of any other governmental entity is required under a written law with respect to any activity under this Act, the issue of a permit by the Authority or Department shall not affect in any way the requirement to obtain such other approval before the proposed activity may proceed.

Limitation of action

**132.** All administrative or criminal proceedings under this Act shall be initiated no more than two years after the cause of action has arisen.

Repeals, savings, amendments, transitionals

**133.** (1) The Acts and subsidiary legislation listed in the Sixth Schedule are hereby repealed.

(2) Where any written law or document refers expressly or by implication to the Conservation of Wildlife Act and the Forests Act the reference shall be construed (except where the context

otherwise requires) as a reference to the corresponding provision of this Act.

(3) Every proceeding in respect of breaches of the Conservation of Wildlife Act Ch. 67:01 and the Forest Act Ch. 66:01 or offences committed against these Acts may be continued and completed—

- (a) if the proceeding has been partly or wholly heard, as if the former Act were still in force; and
- (b) in all other cases, as if the proceeding had been commenced under this Act.

(4) Notwithstanding subsection (1), the Regulations and Rules made under those Acts in the first column of the Sixth Schedule shall remain valid and shall apply *mutatis mutandis* as if made under this Act until such time that the Regulations are made under this Act.

(5) The provisions of the Acts mentioned in the first column of the Sixth Schedule are amended in the manner or repealed to the extent set out in the second column.

#### Service of Documents

**134.** Any summons, notice or other document required or authorised to be served upon the Authority or the Department under the provisions of this Act or any other enactment as may be prescribed from time to time, may, unless there is expressed provision to the contrary, be served by delivering the same to the Corporate Secretary of the Authority or the Secretary of the Department by sending it by registered post addressed to the Corporate Secretary of the Authority or the Secretary of the

Department at the principal office of the Authority or Department as appropriate.

Application of Customs  
Act

**135.** All provisions of the Customs Act Ch. 78:01 relating to uncustomed and prohibited goods and proceedings for breaches of the law relating thereto, shall apply as fully and effectually to animals prohibited to be exported or carried coastwise under and by virtue of that Act.

## **FIRST SCHEDULE**

[Section 11(2)]

### **PROCEDURE FOR MEETINGS OF THE BOARD**

1. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business and each meeting shall be held on such days and at such times and place as the Chairman may determine.  
  
(2) The Chairman or, if he is for any reason whatsoever unable to act, the Deputy Chairman, may at any time call a special meeting of the Board of the Authority and shall call a special meeting within seven days of the receipt by him of a requisition for that purpose addressed to him in writing by any two members.
2. The Chairman or, in his absence, the Deputy Chairman, shall preside at all meetings of the Board of the Authority, and in the case of the absence of both Chairman and Deputy Chairman, the members present shall elect a temporary Chairman from among their number who shall preside at that meeting.
3. The quorum of the Board at any meeting shall be seven.
4. The decision of the Board at any meeting shall be by a majority of votes and in the event of a tie, the Chairman or Deputy Chairman or the member presiding at the meeting shall have a casting vote.
5. (1) Subject to this paragraph, it shall be the duty of a member who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the Authority to declare the nature of his interest at a meeting of the Board.  
  
(2) In the case of such proposed contract the declaration required by this paragraph shall be made at the meeting of the Board at which the contract is first taken into consideration, or if the member was not at the date of the meeting interested in the

proposed contract, at the next meeting of the Board held after he becomes so interested and in any case where the member becomes interested in a contract with the Authority after it is made, such declaration shall be made at the first meeting of the Board held after the member acquired such interest or becomes interested.

- (3) For the purposes of this paragraph a general notice given to other members by a member to the effect that he is also a member of a specified company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with that company or firm shall be deemed sufficient declaration of interest in relation to any contract so made.
- (4) No such notice as is mentioned in subparagraph (3) shall be of effect unless it is given at a meeting of the Board or the member concerned takes reasonable steps to ensure that it is brought up and read at the next meeting of the Board after it is given.
- (5) A member shall not vote in respect of any contract or agreement in which he has an interest and, if he does so, his vote shall not be counted nor shall he be counted in the quorum present on the consideration of any such contract or agreement.
- (6) Any member who contravenes any of the provisions of this paragraph commits an offence and shall be liable on summary conviction to a fine of Three Thousand Dollars (\$3,000.00).

## SECOND SCHEDULE

[Section 38(1)]

### SPECIES OF TREES FOR WHICH A PRIVATE TIMBER HARVESTING PERMIT IS REQUIRED

<i>Common Name</i>	<i>Botanical Name</i>
1. Acoma	<i>Sideroxylon foetidissimum</i> Jacq.
2. Acurel	<i>Trichilia pleeana</i> (A. Juss.) C. DC.
3. Angelin	<i>Andira inermis</i> (W. Wright) Kunth ex DC.
4. Balata	<i>Manilkara bidentata</i> (A. DC.) A. Chev.
5. Balbac	<i>Duguetia tobagensis</i> (Urb.) R.E. Fr.
6. Balsam	<i>Copaifera officinalis</i> (Jacq.) L.
7. Blackheart	<i>Clathrotropis brachypetala</i> (Tul.) Kleinhoonte
8. Bloodwood	(a) <i>Pterocarpus rohrii</i> Vahl (b) <i>P. officinalis</i> Jacq. (c) <i>Croton gossypifolius</i> Vahl
9. Bois bande	<i>Richeria grandis</i> Vahl
10. Bois d'orme	<i>Guazuma ulmifolia</i> Lam.
11. Bois Lisette	<i>Mouriri pseudogeminata</i> Pittier
12. Bois mulatre	<i>Pentaclethra macroloba</i> (Willd.) Kuntze
13. Bosoo	<i>Zanthoxylum pentandrum</i> (Aubl.) R.A. Howard
14. Cajuca	<i>Viola surinamensis</i> (Rol. ex Rottb.) Warb.
15. Caribbean Pine	<i>Pinus caribaea</i> Morelet
16. Cedar	<i>Cedrela odorata</i> L.
17. Chenet	<i>Melicoccus bijugatus</i> Jacq.
18. Crappo	<i>Carapa guianensis</i> Aubl.
19. Cypre	<i>Cordia alliodora</i> (Ruiz & Pav.) Oken
20. Debasse	<i>Licania heteromorpha</i> Benth.
21. Fustic	<i>Maclura tinctoria</i> (L.) D. Don ex Steud.
22. Black Fiddlewood	<i>Vitex divaricata</i> Sw.
23. White Fiddlewood	<i>Vitex capitata</i> Vahl
24. Duckwood	<i>Ocotea leucoxylon</i> (Sw.) Laness.
25. Figuier	<i>Ficus yoponensis</i> Desv.
26. Galba	(a) <i>Calophyllum lucidum</i> Benth. (b) <i>Calophyllum brasiliense</i> Cambess.
27. Gommier	(a) <i>Protium sagotianum</i> Marchand (b) <i>Tapirira guianensis</i> Aubl.
28. Guatecare Miers	<i>Eschweilera subglandulosa</i> (Steud. ex O. Berg)
29. Guatecare, Mountain	<i>Eschweilera tenax</i> (Moritz ex O. Berg) Miers
30. Guatecare, Tobago	<i>Eschweilera decolorans</i> Sandwith
31. Hogplum	<i>Spondias mombin</i> L.
32. Mahogany	(a) <i>Swietenia macrophylla</i> King (b) <i>Swietenia mahagoni</i> (L.) Jacq.

33. Immortelle	(a) <i>Erythrina poeppigiana</i> (Walp.) O.F. Cook (b) <i>Erythrina fusca</i> Lour.
34. Jereton Frodin	<i>Schefflera morototoni</i> (Aubl.) Maguire, Steyererm. &
35. Jiggerwood	<i>Bravaisia integerrima</i> (Spreng.) Standl.
36. Juniper	<i>Genipa americana</i> L.
37. Lagoon Cedar	<i>Licania</i> sp. Aubl.
38. Laurier Cannelle	<i>Aniba firmula</i> (Nees & Mart.) Mez
39. Laurier Cypre	<i>Ocotea oblonga</i> (Meisn.) Mez
40. Laurier Mattack	<i>Ocotea eggersiana</i> Mez
41. Laurier Zaboca	<i>Ocotea aurantiodora</i> (Ruiz & Pav.) Mez
42. L'Epinet	<i>Zanthoxylum martinicense</i> (Lam.) DC.
43. Locust	<i>Hymenaea courbaril</i> L.
44. Mahoe	<i>Sterculia pruriens</i> (Aubl.) K. Schum.
45. Mangrove, Black	<i>Avicennia germinans</i> (L.) L.
46. Mangrove, Button	<i>Conocarpus erectus</i> L.
47. Mangrove, Mountain	(a) <i>Clusia aripoensis</i> Britton (b) <i>Clusia intertexta</i> Britton (c) <i>Clusia tocuchensis</i> Britton
48. Mangrove, White	<i>Laguncularia racemosa</i> (L.) C.F. Gaertn.
49. Marouba	<i>Simarouba amara</i> Aubl.
50. Milkwood	<i>Sapium glandulosum</i> (L.) Morong
51. Mora	<i>Mora excelsa</i> Benth.
52. Moussara	<i>Brosimum alicastrum</i> Sw.
53. Olivier, Yellow	<i>Buchenavia tetraphylla</i> (Aubl.) R.A. Howard
54. Olivier, White	<i>Terminalia amazonia</i> (J.F. Gmel.) Exell
55. Pink Poui	<i>Tabebuia rosea</i> (Bertol.) A. DC.
56. Podocarpus	<i>Podocarpus trinitensis</i> Buchh. & Gray
57. Pois doux	(a) <i>Inga laurina</i> (Sw.) Willd. (b) <i>Inga fastuosa</i> (Jacq.) Willd.
58. Puni	<i>Abarema jupunba</i> (Willd.) Britton & Killip
59. Purpleheart	<i>Peltogyne floribunda</i> (Kunth) Pittier
60. Red Mangrove	<i>Rhizophora mangle</i> L.
61. Redwood	<i>Guarea guidonia</i> (L.) Sleumer
62. Roble	<i>Platymiscium trinitatis</i> Benth.
63. Ryania	<i>Ryania pyrifera</i> (Rich.) Uittien & Sleumer
64. Samaan	<i>Samanea saman</i> (Jacq.) Merr.
65. Sandbox	<i>Hura crepitans</i> L.
66. Sardine	(a) <i>Laetia procera</i> (Poepp.) Eichler (b) <i>Zuelania guidonia</i> (Sw.) Britton & Millsp.
67. Serrette	<i>Brysonima spicata</i> (Cav.) DC.
68. Silk Cotton	<i>Ceiba pentandra</i> (L.) Gaertn.
69. Tantakayo	<i>Albizia niopoides</i> (Spruce ex Benth.) Burkart
70. Tapaná	<i>Hieronyma alchorneoides</i> Allemão
71. Teak	<i>Tectona grandis</i> L. f.
72. Toporite	<i>Hernandia sonora</i> L.

73. Yellow Mague  
74. Yellow Poui

*Symphonia globulifera* L. f.  
*Tabebuia serratifolia* (Vahl) G. Nicholson



## **THIRD SCHEDULE**

[Section 50]

### **PROTECTED AREAS**

#### **PART A SCIENTIFIC RESERVES**

1. Madamas Forest Scientific Reserve

#### **PART B SPECIAL CONSERVATION RESERVES**

1. Matura Forest Special Conservation Reserve
2. Yarra Forest Special Conservation Reserve
3. Heights of Aripo Special Conservation Reserve
4. Hollis Watershed Special Conservation Reserve

#### **PART C NATIONAL PARKS**

1. Caroni Swamp National Park
2. Nariva Swamp National Park
3. Chaguaramas National Park
3. Main Ridge National Park

#### **PART D NATURAL LANDMARKS AND MONUMENTS**

1. Blue Basin
2. Cumberland Hill
3. Devil's Woodyard
4. Galera Point
5. Pitch Lake
6. San Fernando Hill
7. Tamana Hill

#### **PART E HABITAT OR SPECIES MANAGEMENT RESERVES**

1. Aripo Savannas
2. Central Range
3. Navet Watershed
4. El Tucuche Forest
5. Erin Forest

6. Grande Riviere Beach
7. Little Tobago or Bird of Paradise Island
8. Madamas Beach
9. Manzanilla Beach
10. Petit Tacarib Beach
11. Grande Tacarib Beach
12. Rincon/ Matura Beach
13. Fishing Pond Beach
14. Saut D'Eau Island
15. Soldado Rock
16. Southern Watershed
17. St. Giles or Melville Islands
18. Trinity Hills

## **PART F** **LANDSCAPE OR SEASCAPES**

1. North-East Tobago Marine Protected Area
2. Buccoo Reef

## **PART G** **SUSTAINABLE USE RESERVES**

1. Arena Forest
2. Arima Forest
3. Basin Hill
4. Blanchisseuse Forest
5. Brigand Hill Forest
6. Cap-de-Ville Forest
7. Cedros Forest
8. Central Range Forest
9. Cola Hill
10. Cumuto Extension
11. Ecclesville
12. Freeport
13. Godineau Swamp
14. Krondstat Island
15. Las Cuevas
16. Long Stretch
17. Longdenville
18. Manzanilla Windbelt
19. McNair Ravine Sable
20. Melajo
21. Morne L'Enfer
22. Mount Hope

23. N.R.R.P.
24. Nariva Windbelt
25. Paria
26. Piparo Extension
27. River Estate
28. Rochard Douglas
29. San Pedro
30. Siparia
31. Southern Watershed
32. St. David F.R.
33. Tacarigua
34. Todd's Road (North)
35. Todd's Road (South)
36. Tumpuna
37. Valencia
38. Victoria Plantations
39. Victoria-Mayaro Forest

## FOURTH SCHEDULE

### PART A PROTECTED SPECIES OF FAUNA

[Section 74(2)]

#### A1 CRITICALLY ENDANGERED SPECIES OF FAUNA

##### Mammals

Water opossum	<i>Chironectes minimus</i> (Zimmerman, 1780)
Ocelot, or Tiger cat	<i>Leopardus pardalis</i> (Linnaeus, 1758)
Southern river otter	<i>Lontra longicaudis</i> (Olfers, 1818)
West Indian manatee	<i>Trichechus manatus</i> (Linnaeus, 1758)
Whales and Porpoises	All species in the Order Cetacea

##### Birds

Blue-and yellow macaw	<i>Ara ararauna</i> (Linnaeus, 1758)
Lesser seed-finch	<i>Oryzoborus angolensis</i> (Linnaeus, 1766)
Large-billed seed-Finch, or Twa-twa	<i>Oryzoborus crassirostris</i> (Gmelin, 1789)
Piping guan	<i>Aburria pipile</i> (Jacquin, 1784)
Grey seed-eater or Picplat	<i>Sporophila intermedia</i> (Cabanis, 1851)
Lesson's seed-eater, or Chat	<i>Sporophila bouvronides</i> (Lesson, 1831)
Yellow-bellied seed-eater or Silverbeak	<i>Sporophila nigricollis</i> (Vieillot, 1823)
Lim or Common Amazon Parrot	<i>Amazona amazonica amazonica</i> (Lesson, 1830)
Red siskin	<i>Carduelis cucullata</i> (Swainson, 1820)

##### Reptiles

Loggerhead turtle	<i>Caretta caretta</i> (Linnaeus, 1758)
Green turtle	<i>Chelonia mydas</i> (Linnaeus, 1758)
Leatherback turtle	<i>Dermochelys coriacea</i> (Vandelli, 1761)
Hawksbill turtle	<i>Eretmochelys imbricata</i> (Linnaeus, 1766)
Olive ridley turtle	<i>Lepidochelys olivacea</i> (Eschscholtz, 1829)

##### Amphibians

Golden tree frog	<i>Phyllodytes auratus</i> (Boulenger, 1917)
------------------	--

#### A2 ENDANGERED SPECIES OF FAUNA

##### Mammals

Red howler monkey	<i>Alouatta seniculus</i> (Linnaeus, 1766)
White-fronted capuchin monkey	<i>Cebus albifrons</i> (Humboldt, 1812)
Tayra, or High-woods dog	<i>Eira barbara</i> (Linnaeus, 1758)
Three-toed anteater or Sloth	<i>Tamandua tetradactyla</i> (Linnaeus, 1758)

### Birds

Yellow-crowned parrot

Red-bellied macaw

Tobago Striped owl

White-tailed sabrewing  
1822)

Scarlet ibis

Scaled ant-pitta

Oilbird

*Amazona ochrocephala* (Gmelin, 1788)

*Orthopsittaca manilata* (Boddaert, 1783)

*Pseudoscops clamator* (Vieillot, 1807)

*Campylopterus ensipennis* (Swainson,

*Eudocimus ruber* (Linnaeus, 1758)

*Grallaria guatemalensis* (Prevost & Des  
Murs, 1842)

*Steatornis caripensis* (Humboldt, 1817)

### Reptiles

Yellow-footed tortoise or Morocoy

*Geochelone denticulata* (Linnaeus, 1766)

## **A3 VULNERABLE SPECIES OF FAUNA**

### Mammals

Crab-eating raccoon or Mangrove dog  
1798)

*Procyon cancrivorus* (G.[Baron] Cuvier,

### Birds

White-cheeked pintail

Rufous-necked wood-rail

Muscovy duck

Rufous-shafted woodstar

Hook-billed kite

White-faced whistling duck

Golden-rumped euphonia

Moriche oriole  
(Linnaeus, 1766)

Red-capped cardinal

Crested doradito

Spotted rail

Rufescent tiger heron

Spotted tody-flycatcher

Sulphury flycatcher

*Anas bahamensis* (Linnaeus, 1758)

*Aramides axillaris* (Lawrence, 1863)

*Cairina moschata* (Linnaeus, 1758)

*Chaetocercus jourdanii* (Bourcier, 1839)

*Chondrohierax uncinatus* (Temminck, 1822)

*Dendrocygna viduata* (Linnaeus, 1766)

*Euphonia cyanocephala* (Vieillot, 1819)

*Icterus cayanensis chrysocephalus*

*Paroaria gularis* (Linnaeus, 1766)

*Pseudocolaptes sclateri* (Oustalet, 1892)

*Pardirallus maculatus* (Boddaert, 1783)

*Tigrisoma lineatum* (Boddaert, 1783)

*Todirostrum maculatum* (Desmarest, 1806)

*Tyrannopsis sulphurea* (Spix, 1825)

## **A4 NEAR-THREATENED SPECIES OF FAUNA**

### Mammals

Prehensile-tailed porcupine

Silky anteater

*Coendou prehensilis* (Linnaeus, 1758)

*Cyclopes didactylus* (Linnaeus, 1758)

Birds

Fulvous whistling duck

*Dendrocygna bicolor* (Vieillot, 1816)

**PART B: PROTECTED SPECIES OF FLORA**

**B3 VULNERABLE SPECIES OF FLORA**

*Dicliptera aripoensis* (Britton) Leonard  
*Justicia flaviflora* (Turrill) Wassh.  
*Justicia tobagensis* (Urb.) Wassh.  
*Odontonema brevipes* Urb.  
*Duguetia tobagensis* (Urb.)  
*Cynanchum freemani* (N.E.Br.) Woodson  
*Gonolobus tobagensis* Urb.  
*Philodendron simmondsii* Mayo  
*Aristolochia boosii* Panter  
*Mikania broadwayi* B.L.Rob.  
*Begonia eciliata* O.E.Schulz.  
*Begonia mariannensis* Wassh. & McClellan  
*Aechmea downsiana* Pittendr.  
*Werauhia broadwayi* (L.B.Sm.) J.R.Grant  
*Marthella trinitatis* (Johow) Urb.  
*Maytenus monticola* Sandwith  
*Maytenus reflexa* Urb.  
*Clusia aripoensis* Britton  
*Clusia intertexta* Britton  
*Clusia tocuchensis* Britton  
*Sicana trinitensis* Cheesman  
*Dicranopygium insulare* (Gleason) Harling  
*Rhynchospora aripoensis* Britton  
*Rhynchospora ebracteata* (Standl.) H.Pfeiff.  
*Rhynchospora ierensis* C.Adams  
*Scleria orchardii* C.Adams  
*Eriocaulon caesium* Griseb.  
*Acalypha grisebachiana* (Kuntze) Pax & K.Hoffm.  
*Croton aripoensis* Philcox  
*Phyllanthus acacioides* Urb.  
*Phyllanthus mimicus* G.L.Webster  
*Macrolobium trinitense* Urb.  
*Xylosma sanctae-annae* Sleumer  
*Besleria seitzii* Krug & Urb.  
*Besleria strigillosa* Urb.  
*Ocotea trinidadensis* Kosterm.  
*Phoradendron hartii* Krug & Urb.  
*Marcgravia elegans* Krug & Urb.  
*Cybianthus cruegeri* Mez

*Cybianthus pittieri* Agostini  
*Eugenia cruegeri* Krug & Urb. ex Urb.  
*Cochleanthes trinitatis* (Ames) R.E.Schult. & Garay  
*Epidendrum fusiforme* (Lindl.) Rchb.f.  
*Epidendrum hombersleyi* Summerh.  
*Epidendrum lanceolatum* Bradford ex Griseb.  
*Maxillaria broadwayi* (Cogn.) R.E.Schult.  
*Microchilus schultesianus* (Garay) Ormerod  
*Neurolepis virgata* (Griseb.) Pilg.  
*Podocarpus trinitensis* J.Buchholz & N.E.Gray  
*Polygala exserta* S.F.Blake  
*Securidaca lophosoma* (S.F.Blake) Cheesman  
*Coccoloba nigrescens* Lindau  
*Roupala tobagensis* Sleumer  
*Psychotria rufidula* Standl.  
*Rondeletia hispidula* (Griseb.) K.Schum.  
*Rondeletia rohrii* R.O.Williams & Cheesman  
*Pilea tobagensis* Urb.  
*Aegiphila obovata* Andrews  
*Xyris grisebachii* Malme

#### B4 NEAR-THREATENED SPECIES OF FLORA

Bois bandé	<i>Roupala montana</i> Aubl.
Arena debase	<i>Eugenia baileyi</i> Britton
Laurier citron	<i>Ocotea aurantiodora</i> (Ruiz & Pav.) Mez
	<i>Ocotea fasciculate</i> Nees
	<i>Ocotea tomentella</i> Sandwith
	<i>Aechmea dichlamydea</i> var. <i>trinitensis</i>
	<i>Stylogyne tenuifolia</i> Britton
	<i>Cassipourea guianensis</i> Aubl.
Orchids	<i>Aganisia pulchella</i> Lindl. (1839)
	<i>Rudofiella aurantiaca</i> (Lindl.) Hoehne
	<i>Brassavola cucullata</i> (L.) R. Br. (1831)
	<i>Cochleanthes flabelliformis</i> (Sw.) R.E.
Schult. & Garay (1959)	<i>Cochleanthes trinitatis</i> (Ames) R.E. Schult.
& Garay	
Monkey-throat orchid	<i>Coryanthes speciosa</i> Hook. (1831)
	<i>Cryptarrhena lunata</i> R. Br. (1816)
	<i>Cyrtopodium parviflorum</i> Lindl. (1843)
	<i>Cyrtopodium punctatum</i> (L.) Lindl.
	<i>Encyclia bradfordii</i> (Griseb.) Carnevali & I. Ramírez
	<i>Epidendrum macrocarpum</i> Rich.
	<i>Epidendrum flexuosum</i> G. Mey
	<i>Epidendrum schlechterianum</i> Ames

	<i>Epidendrum secundum</i> Jacq.
	<i>Habenaria leprieurii</i> Rchb. f.
	<i>Huntleya lucida</i> (Rolfe) Rolfe
	<i>Ionopsis satyrioides</i> (Sw.) Rchb.f.
	<i>Kegeliella houtteana</i> (Rchb.f.) L.O.Williams
	<i>Heterotaxis discolour</i> (Lodd. Ex Lindl.)
	Ojeda & Carnevali
	<i>Maxillariella guareimensis</i> (Rchb. f.)
M.A.Blanco & Carvevali	
Yellow bee orchid	
M.W.Chase &	<i>Rossioglossum ampliatus</i> (Lindl.)
	N.H.Williams
	<i>Trichocentrum cebolleta</i> (Jacq.) M.W.Chase
&	
	N.H.Williams
	<i>Trichocentrum haematochilum</i> (Lindl. &
Paxton)	
	M.W.Chase & N.H.Williams
Cedros bee orchid	<i>Trichocentrum lanceanum</i> (Lindl.) M.W.
Chase &	
	N.H.Williams
Butterfly orchid	<i>Psychopsis papilio</i> (Lindl.) H.G.Jones
	<i>Otostylis brachystalix</i> (Rchb.f.) Schltr.
	<i>Paphinia cristata</i> (Lindl.) Lindl.
	<i>Peristeria cerina</i> Lindl.
	<i>Peristeria pendula</i> Hook.
	<i>Plectrophora iridifolia</i> (Lodd. Ex Lindl.)
H.Focke	
	<i>Cleistes grandiflora</i> (Aubl.) Schltr.
	<i>Cleistes tenuis</i> (Rchb.f.) Schltr.
	<i>Liparis vexillifera</i> (Lex.) Cogn.
	<i>Selenipedium palmifolium</i> (Lindl.) Rchb.f.
&	
	Warsz.
	<i>Stanhopea jenischiana</i> F.Kramer ex Rchb.f.
	<i>Stenia pallida</i> Lindl.
	<i>Xylobium colleyi</i> (Bateman ex Lindl.) Rolfe
	<i>Maxillaria palmifolia</i> (Sw.) Lindl.



## FIFTH SCHEDULE

[Sections, 75(1)]

### PART A: PARTIALLY PROTECTED SPECIES OF FAUNA

#### Mammals

Paca or Lappe	<i>Cuniculus paca</i> (Linnaeus, 1766)
Agouti	<i>Dasyprocta leporina</i> (Linnaeus, 1758)
Nine - banded armadillo or Tatoo	<i>Dasyprocta novemcinctus</i> (Linnaeus, 1758)
Black-eared opossum or Manicou	<i>Didelphis marsupialis</i> (Linnaeus, 1758)
Red brocket deer	<i>Mazama americana</i> (Erxleben, 1777)
Collared peccary, Quenk or Wild-hog	<i>Pecari tajacu</i> (Linnaeus, 1758)
Vampire bats	<i>Desmodus rotundus</i> (E. Geoffroy, 1810)
House mice	<i>Mus spp.</i>
Mongoose	<i>Herpestes fuscus</i> (Waterhouse, 1838)
Old World rats	<i>Rattus spp.</i> (G. Fischer, 1803)

#### Birds

Blue-winged teal	<i>Anas discors</i> (Linnaeus, 1766)
American Wigeon	<i>Anas americana</i> (Gmelin, 1789)
Black-bellied whistling duck	<i>Dendrocygna autumnalis</i> (Linnaeus, 1758)
Trinidad euphonia or Cravat	<i>Euphonia trinitatis</i> (Strickland, 1851)
Violaceous euphonia or semp	<i>Euphonia violacea</i> (Linnaeus, 1758)
Green-rumped parrotlet	<i>Forpus passerinus</i> (Linnaeus, 1758)
Black-crowned night-heron	<i>Nycticorax nycticorax</i> (Linnaeus, 1758)
Yellow-crowned night-heron	<i>Nyctanassa violacea</i> (Linnaeus, 1758)
Rufous-vented chachalaca or Cocrico	<i>Ortalis ruficauda</i> (Jardine, 1847)
Common gallinule	<i>Porphyrio martinica</i> (Linnaeus, 1766)
Yellow Tail	<i>Psarocolius decumanus</i> (Pallas, 1769)
Orange winged Parrot	<i>Amazona amazonica</i> (Linnaeus, 1766)
Ramier or pigeon	All species in the family Columbidae

#### Reptiles

Spectacled caiman	<i>Caiman crocodilus</i> (Linnaeus, 1758)
Iguana	<i>Iguana iguana</i> (Linnaeus, 1758)
Matte	<i>Tupinambis nigropunctatus</i> (Spix, 1825)
Mapipire Balsin or Fer de Lance	<i>Bothrops asper</i> (Garman, 1884) and <i>Bothrops atrox</i> (Linnaeus, 1758)
Mapipire Zanana or Bushmaster	<i>Lachesis muta</i> (Linnaeus, 1766)
Coral snakes	<i>Micrurus spp.</i> (Wagler, 1824)

#### Fishes

Coscorab	<i>Aequidens pulcher</i> (Gill, 1858)
Copeina, or Pencil fish	<i>Copella arnoldi</i> (Regan, 1912)

Pui pui	<i>Corydoras aeneus</i> (Gill, 1858)
Sword-tail sardine	<i>Corynopoma riisei</i> (Gill, 1858)
Hatchet fish	<i>Gasteropelecus sternicla</i> (Linnaeus, 1758)
Teta	<i>Hypostomus robinii</i> (Valenciennes in Cuvier and Valenciennes, 1840)
Liberty molly	<i>Poecilia sphenops</i> (Valenciennes in Cuvier and Valenciennes, 1846)
Half-banded Pyrrhulina	<i>Pyrrhulina laeta</i> (Cope, 1872)
Humpback sardine	<i>Roeboides dayi</i> (Steindachner, 1878)

#### Amphibians

All species of amphibians in the adult stage, except those listed in other schedules.

### **PART B: PARTIALLY PROTECTED SPECIES OF FLORA**

[Section 77(1)]

All Orchidaceae (orchids) not listed in other schedules

## SIXTH SCHEDULE

[Sections 133(1), 133(4), 133(5)]

### LIST OF AMENDED, REPEALED AND REPLACED ACTS

<b>List Of Amended, Repealed And Replaced Acts</b>	<b>Section or Rule Amended, Repealed Or Replaced</b>
Conservation of Wildlife Act Ch 67:01	All
Environmental Management Act Ch 35:05	ss 41-46, s 70(2), s 81(5)(e)
Environmentally Sensitive Areas Rules, LN 37 of 2001, made pursuant to the Environmental Management Act Ch 35:05	All
Environmentally Sensitive Species Rules, LN 63 of 2001, made pursuant to the Environmental Management Act Ch 35:05	All
Environmentally Sensitive Areas (Aripo Savannahs Strict Nature Reserve), LN 152 of 2007 made pursuant to the Environmentally Sensitive Areas Rules	All
Environmentally Sensitive Areas (Mathura National Park), LN 323 of 2004 made pursuant to the Environmentally Sensitive Areas Rules	All
Environmentally Sensitive Areas (Nariva Swamp Managed Resource Protected Area), LN No. 334 of 2006, made pursuant to the Environmentally Sensitive Areas Rules	All
Environmentally Sensitive Species (Golden Tree Frog) Notice, LN No. 32 of 2013, made pursuant to the Environmentally Sensitive Species Rules	All
Environmentally Sensitive Species (Manatee) Notice, LN No. 123 of 2005, made pursuant to the Environmentally Sensitive Species Rules	All
Environmentally Sensitive Species (Ocelot) Notice, LN No. 31 of 2013, made pursuant to the Environmentally Sensitive Species Rules	All

List Of Amended, Repealed And Replaced Acts	Section or Rule Amended, Repealed Or Replaced
Environmentally Sensitive Species (Pawi) Notice, LN No. 124 of 2005, made pursuant to the Environmentally Sensitive Species Rules	All
Environmentally Sensitive Species (White-Tail Sabre Wing) Notice, LN No. 125 of 2005, made pursuant to the Environmentally Sensitive Areas Rules	All
Fisheries Act Ch 67:51	s 4(c)
Forest Act Ch. 66:01	All
Marine Areas (Preservation and Enhancement) Act Ch 37:02	All
Marine Areas (Preservation and Enhancement) Regulations, LN No 63 of 1974	All
Marine Areas (Restricted Areas) Order, LN 140 of 1973	All
National Trust of Trinidad and Tobago Act Ch 40:53	Definition of “monument” to exclude natural monuments; “property of interest” to exclude a site of natural beauty, scientific or archaeological interests
State Lands Act Ch 57:01	All Forest Reserves
Water and Sewerage Act Ch 54:40	s 51, s 52(1) – line 2 delete “and 51”; and Prevention of Water Pollution (Courland Water Works) Bye-Laws, LN 61 of 1973; Prevention of Water Pollution (Quare River, Valencia) Bye-Laws, LN 91 of 1977