

FORESTRY, PROTECTED AREAS AND WILDLIFE CONSERVATION (FAUNA AND FLORA) REGULATIONS, 2014

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FORESTRY, PROTECTED AREAS AND WILDLIFE CONSERVATION (FAUNA AND FLORA) REGULATIONS 2014

MADE BY THE MINISTER UNDER SECTION 121 OF THE FORESTRY, PROTECTED AREAS AND WILDLIFE CONSERVATION ACT 2014

Short title

1. These Regulations may be cited as the Fauna and Flora Regulations, 2014.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“Act” means the Forestry, Protected Areas and Wildlife Act No.---of 2014;

“applicant” includes a person applying for –

- (i) a Flora Harvesting Permit pursuant to regulation 7;
- (ii) a Wildlife Hunting Permit pursuant to regulation 9;
- (iii) a Trade Permit pursuant to regulation 18;
- (iv) a Partially Protected Flora and Fauna Possession Permit pursuant to regulation 11;
- (v) a Protected Flora and Fauna Possession Permit pursuant to regulation 13
- (vi) a Special Fauna and Flora Possession Permit pursuant to regulation 15;
- (vii) a Flora and Fauna Dealer Permit pursuant to regulation 20;
- (viii) a Flora and Fauna Propagation Permit pursuant to regulation 22;
- (ix) a Fauna Rehabilitation Centre Permit pursuant to regulation 24;
- (x) a Living Modified Organisms Permit pursuant to regulation 26;
- (xi) a Claim for Omission of a Trade Secret or Confidential Business Information from the Fauna and Flora Register pursuant to regulation 42;

“application” shall refer to the written request made by the applicant for any of the various permits or a claim for omission;

"Authority" means the Forest and Protected Areas Management Authority established under the Act;

" Department" means the Authority or Department of Natural Resources and Environment of the Tobago House of Assembly;

“effects” include direct and indirect, secondary, cumulative, short, medium, long-term, permanent, temporary, positive, negative and synergistic;

"Fauna Rehabilitation Centre Permit" means a permit to establish or operate any facility for the rehabilitation of any living species of fauna pursuant to Section 90(1) of the Act;

"Flora and Fauna Dealer Permit" means a permit to trade in all non-native non-domesticated species of fauna and flora, and protected and partially protected species of flora and fauna pursuant to Section 83(1) of the Act;

“Flora Harvesting Permit” means a permit to harvest any partially protected species of flora pursuant to Section 79(4) of the Act;

"Flora and Fauna Propagation Permit" means a permit to propagate any living protected or partially protected species of flora or fauna pursuant to Section 89(1) of the Act;

"harvesting" means to pick, cut, take, possess or destroy;

"Living Modified Organisms Permit" means a permit to import, export, re-export, keep, store or use any living modified organism pursuant to Section 91(1) of the Act;

"permittee" means a person to whom a Flora Harvesting Permit, Wildlife Hunting Permit, Partially Protected Flora and Fauna Possession Permit, Protected Flora and Fauna Possession Permit, Special Flora and Fauna Possession Permit, Trade Permit, Flora and Fauna Dealer Permit, Flora and Fauna Propagation Permit, Fauna Rehabilitation Centre Permit, or Living Modified Organism Permit has been granted;

"permit" includes a Flora Harvesting Permit, Wildlife Hunting Permit, Partially Protected Flora and Fauna Possession Permit, Protected Flora and Fauna Possession Permit, Special Flora and Fauna Possession Permit, Trade Permit, Flora and Fauna Dealer Permit, Flora and Fauna Propagation Permit, Fauna Rehabilitation Centre Permit, or Living Modified Organism Permit;

"Phytosanitary Certificate" means a document, issued by an authorized entity that attests to the phytosanitary status of any protected, partially protected or unprotected specimen of flora;

"Partially Protected Flora and Fauna Possession Permit" means a permit to possess any partially protected species of fauna and flora pursuant to Section 84 of the Act;

"Protected Flora and Fauna Possession Permit" means a permit to possess any protected species of fauna and flora pursuant to Section 85 of the Act;

"prescribed fee" means the fee prescribed by the Forestry, Protected Areas and Wildlife Conservation (Fees) Regulations, 2014

"quarantine" means the confinement or period of confinement of a protected, partially protected or unprotected specimen for the purpose of observation, inspection, testing or analysis of a protected, partially protected or unprotected specimen to determine if the protected, partially protected or unprotected specimen constitutes or could constitute a threat to the biological diversity of Trinidad and Tobago and human health;

"Sanitary Certificate" means a document, issued by an authorized entity that attests to the sanitary status of any protected, partially protected or unprotected specimen of fauna;

"Special Flora and Fauna Possession Permit" means a permit to possess any species of fauna and flora other than those listed in the Fourth and Fifth Schedule of the Act, pursuant to Section 86 of the Act; and

"Trade Permit" means a permit to import, export or re-export any specimen of the Act pursuant to Section 82 of the Act;

"Wildlife Hunting Permit" means a permit to hunt any partially protected species of fauna pursuant to Section 77(4) of the Act;

Designation of Species of Fauna and Flora as Protected

3. (1) The Authority or Department may propose the designation of a species of fauna or flora as protected.

(2) The Authority or Department shall publish a Notice of Intent to designate a species of fauna or flora as protected in the *Gazette* and in one newspaper with island wide circulation for a period of at least two (2) weeks and announce the same on a radio station with island wide coverage for a period of at least five (5) days.

(3) The Notice of Intent to designate referred to in subregulation (1) shall –

- i. request the public to submit written comments on the proposed designation of the protected species of fauna or flora;
- ii. advise of the basis for proposed designation of the protected species of fauna or flora;
- iii. identify locations where relevant information (including all information which the Authority or Department believes would assist the public in developing a reasonable understanding of the proposed designation of the species of fauna or flora as protected) can be obtained or reviewed by the public;
- iv. advise of the duration of the public comment period which shall be no less than thirty days; and
- v. advise where public comments may be submitted.

(4) If the Authority or Department determines there is sufficient public interest, it may hold a public hearing for discussing the proposed designation of the species of fauna or flora as protected and receiving comments at the public hearing.

(5) In addition to receiving comments pursuant to subregulation (3), the Authority or Department shall consult with the Chief Fisheries Officer where the designation is with respect to any species of fish or other marine life as protected prior to making a recommendation to the Minister.

(6) After considering all relevant matters, including comments received pursuant to subregulations (3), (4) and (5), the Authority or Department shall advise the Minister of its recommendations as to the designation of the species of flora or fauna as protected.

(7) The Minister after considering the recommendation of the Authority or Department shall designate the species of fauna or flora as protected and amend the Fourth Schedule pursuant to Section 76 of the Act.

(8) The Fourth Schedule amended pursuant to subregulation (6) shall be published in the *Gazette* within seven (7) days of the amendment coming into force.

De-Designation of Species of Fauna and Flora as Protected

4. (1) The Authority or Department may propose the de-designation of a species of fauna or flora as protected.

(2) The Authority or Department shall publish a Notice of Intent to de-designate a species of fauna or flora as protected in the *Gazette* and in one newspaper with island wide circulation for a period of at least two (2) weeks and announce the same on a radio station with island wide coverage for a period of at least five (5) days.

(3) The Notice of Intent to de-designate referred to in subregulation (1) shall –

- i. request the public to submit written comments on the proposed de-designation of the protected species of fauna or flora;
- ii. advise of the basis for proposed de-designation of the protected species of fauna or flora;
- iii. identify locations where relevant information (including all information which the Authority or Department believes would assist the public in developing a reasonable understanding of the proposed de-designation of the species of fauna or flora as protected) can be obtained or reviewed by the public;
- iv. advise of the duration of the public comment period which shall be no less than thirty days; and
- v. advise where public comments may be submitted.

(4) If the Authority or Department determines there is sufficient public interest, it may hold a public hearing for discussing the proposed de-designation of the species of fauna or flora as protected and receiving comments at the public hearing.

(5) In addition to receiving comments pursuant to subregulation (3), the Authority or Department shall consult with the Chief Fisheries Officer where the de-designation is with respect to any species of fish or other marine life as protected prior to making a recommendation to the Minister.

(6) After considering all relevant matters, including comments received pursuant to subregulations (3) and (4), the Authority or Department shall advise the Minister of its recommendations as to the de-designation of the species of flora or fauna as protected.

(7) The Minister after considering the recommendation of the Authority or Department shall de-designate the species of fauna or flora as protected and amend the Fourth Schedule pursuant to Section 76 of the Act.

(8) The Fourth Schedule amended pursuant to subregulation (6) shall be published in the *Gazette* within seven (7) days of the amendment came coming into force

Designation of Species of Fauna and Flora as Partially Protected

5. (1) The Authority or Department may propose the designation of a species of fauna or flora as partially protected.

(2) The Authority or Department shall publish a Notice of Intent to designate a species of fauna or flora as partially protected in the *Gazette* and in one newspaper with island wide circulation for a period of at least two (2) weeks and announce the same on a radio station with island wide coverage for a period of at least five (5) days.

(3) The Notice of Intent to designate referred to in subregulation (1) shall –

- i. request the public to submit written comments on the proposed designation of the partially protected species of fauna or flora;
- ii. advise of the basis for proposed designation of the partially protected species of flora or fauna;
- iii. identify locations where relevant information (including all information which the Authority or Department believes would assist the public in developing a reasonable understanding of the proposed designation of the species of flora or fauna as partially protected) can be obtained or reviewed by the public;
- iv. advise of the duration of the public comment period which shall be no less than thirty days; and
- v. advise where public comments may be submitted.

(4) If the Authority or Department determines there is sufficient public interest, it may hold a public hearing for discussing the proposed designation of the species of flora or fauna as partially protected and receiving comments at the public hearing.

(5) In addition to receiving comments pursuant to subregulation (3), the Authority or Department shall consult with the Chief Fisheries Officer where the designation is with respect to any species of fish or other marine life as partially protected prior to making a recommendation to the Minister.

(6) After considering all relevant matters, including comments received pursuant to subregulations (3) and (4), the Authority or Department shall advise the Minister of its recommendations as to the designation of the species of flora or fauna as partially protected.

(7) The Minister after considering the recommendation of the Authority or Department shall designate the species of fauna or flora as partially protected and amend the Fifth Schedule pursuant to Section 77 or 79 of the Act.

(8) The Fifth Schedule amended pursuant to subregulation (6) shall be published in the *Gazette* within seven (7) days of the amendment came coming into force.

De-Designation of Species of Fauna and Flora as Partially Protected

6. (1) The Authority or Department may propose the de-designation of a species of flora or fauna as partially protected.

(2) The Authority or Department shall publish a Notice of Intent to de-designate a species of flora or fauna as partially protected in the *Gazette* and in one newspaper with island wide circulation for a period of at least two (2) weeks and announce the same on a radio station with island wide coverage for a period of at least five (5) days.

(3) The Notice of Intent to de-designate referred to in subregulation (1) shall –

- vi. request the public to submit written comments on the proposed de-designation of the partially protected species of flora or fauna;
- vii. advise of the basis for proposed de-designation of the partially protected species of flora or fauna;
- viii. identify locations where relevant information (including all information which the Authority or Department believes would assist the public in developing a reasonable understanding of the proposed de-designation of the species of flora or fauna as partially protected) can be obtained or reviewed by the public;
- ix. advise of the duration of the public comment period which shall be no less than thirty days; and
- x. advise where public comments may be submitted.

(4) If the Authority or Department determines there is sufficient public interest, it may hold a public hearing for discussing the proposed de-designation of the species of flora or fauna as partially protected and receiving comments at the public hearing.

(5) In addition to receiving comments pursuant to subregulation (3), the Authority or Department shall consult with the Chief Fisheries Officer and the Authority or Department where the de-designation is with respect to any species of fish or other marine life as partially protected prior to making a recommendation to the Minister.

(6) After considering all relevant matters, including comments received pursuant to subregulations (3) and (4), the Authority or Department shall advise the Minister of its recommendations as to the designation of the species of flora or fauna as partially protected.

(7) The Minister after considering the recommendation of the Authority or Department shall designate the species of fauna or flora as partially protected and amend the Fifth Schedule pursuant to Section 77 or 79 of the Act.

(8) The Fifth Schedule amended pursuant to subregulation (6) shall be published in the *Gazette* within seven (7) days the amendment came into force.

Flora Harvesting Permit

7. (1) An application for a Flora Harvesting Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(2) An application for a Flora Harvesting Permit shall include the following –

- i. the partially protected species of flora that is to be harvested;
- ii. the quantity of the partially protected species of flora that is to be harvested;
- iii. the purpose of the harvesting of partially protected species of flora;
- iv. details on disposition of the harvested partially protected species of flora; and
- v. such other information that the Authority or Department may require.

(3) The Authority or Department may, during the determination of an application for a Flora Harvesting Permit, request oral or additional written information from an applicant within a specified time.

Determination of Application for a Flora Harvesting Permit

8. (1) The Authority or Department shall, within thirty (30) days of receipt of a completed application under regulation 7, grant with or without conditions or refuse to grant, a Flora Harvesting Permit to the applicant.

(2) A Flora Harvesting Permit shall include but not be limited to –

- i. the species of the partially protected flora to be harvested;
- ii. quantity of the partially protected species of flora that is to be harvested;
- iii. conditions to ensure that the permittee shall take all reasonable steps to avoid adverse environmental effects which could result from the harvesting of the species of partially protected flora;
- iv. conditions for minimizing the adverse environmental effect where avoidance is impractical;
- v. conditions for mitigating the effect of adverse environmental effect where the effect cannot be avoided;
- vi. terms for retention of records of all harvesting activities; and
- vii. such other terms and conditions that may be deemed necessary.

(3) Unless previously revoked, varied or suspended by the Authority or Department, a Flora Harvesting Permit is effective until a fixed date as specified in the Flora Harvesting Permit

(4) The holder of a Flora Harvesting Permit shall be required to submit to the Authority or Department, in accordance with the form provided, information on the harvesting of partially protected flora including but not limited to quantity of individuals of flora collected, common and scientific names, methods of collection, care of individuals of flora where applicable, survival rates of individuals of flora collected within thirty (30) days of the expiration of the Flora Harvesting Permit.

Wildlife Hunting Permit

9. (1) A Wildlife Hunting Permit shall not be granted to any person below the age of eighteen (18) years.

(2) The Authority or Department may require anyone applying for a Wildlife Hunting Permit to submit a medical certificate indicating the applicant's fitness to engage in hunting.

(3) Where an applicant for a Wildlife Hunting Permit proposes to use weapons in the hunting of partially protected species of fauna, the Authority or Department may require the applicant to submit proof of competence in the use of such weapons.

(4) An application for a Wildlife Hunting Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(5) In addition to the requirements of subregulations (1), (2) and (3) an application for a Wildlife Hunting Permit shall include the following –

- i. the species of partially protected fauna to be hunted;
- ii. the number of individual species of fauna to be hunted;
- iii. the purpose for hunting of partially protected species of fauna;
- iv. details on disposition of the hunted species of partially protected fauna;
- v. a current photograph of the applicant;
- vi. such other information that the Authority or Department may require.

(6) The Authority or Department may, during the determination of an application for a Wildlife Hunting Permit, request oral or additional written information from an applicant within a specified time.

Determination of Application for Wildlife Hunting Permit

10. (1) The Authority or Department shall, within thirty (30) days of receipt of a completed application under regulation 9, grant with or without conditions or refuse to grant a Wildlife Hunting Permit to the applicant.

(2) A Wildlife Hunting Permit shall include but not be limited to –

- i. types of species of partially protected fauna that can be hunted by the permittee;
- ii. number, age and sex of individual species of partially protected fauna that can be hunted;
- iii. physical areas where hunting can occur;
- iv. restrictions and methods of disposition including consumption of the partially protected species of fauna;
- v. hours for hunting of partially protected species of fauna;
- vi. methods for the hunting of partially protected species of fauna;
- vii. types of weapons that can be used in hunting partially protected species of fauna;
- viii. a photograph of the applicant; and
- ix. such other terms and conditions that are deemed necessary.

(3) Unless previously revoked, varied or suspended by the Authority or Department, a Wildlife Hunting Permit is effective until the fixed date specified in the Wildlife Hunting Permit.

(4) The holder of a Wildlife Hunting Permit shall be required to submit to the Authority or Department, in accordance with the form provided, information on the hunting of partially protected fauna including number, age and gender within thirty (30) days of the expiration of the Wildlife Hunting Permit.

Partially Protected Flora and Fauna Possession Permit

11. (1) Any person who possesses a live specimen of a partially protected species of flora or fauna shall apply for a Partially Protected Flora and Fauna Possession Permit.

(2) An application for a Partially Protected Flora and Fauna Possession Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(3) An application for a Partially Protected Flora and Fauna Possession Permit shall include the following –

- i. the species of partially protected flora or fauna to be possessed;
- ii. the number of each individual species of flora or fauna to be possessed;
- iii. details as to the captivity, care and control of the partially protected species of flora or fauna to minimize risk of injury, damage to health or cruel treatment;
- iv. copy of applicable Wildlife Hunting Permits; and
- v. such other information that the Authority or Department may require.

(4) The Authority or Department may, during the determination of an application for a Partially Protected Flora and Fauna Possession Permit request oral or additional written information from an applicant within a specified time.

Determination of an Application for a Partially Protected Flora and Fauna Possession Permit

12. (1) The Authority or Department shall, within ten (10) working days of receipt of a completed application under regulation 11 above, grant with or without conditions or refuse to grant, a Partially Protected Flora and Fauna Possession Permit to the applicant.

(2) The Authority or Department shall specify in each Partially Protected Flora and Fauna Possession Permit–

- i. Types of species of partially protected flora or fauna that can be possessed by the permittee;
- ii. Number, age and sex of individual species of partially protected flora or fauna that can be possessed;
- iii. Length of time during which species of partially protected flora or fauna can be possessed;
- iv. Restrictions and methods for the captivity, care and control of partially protected species of flora or fauna; and
- v. such other terms and conditions that are deemed necessary by the Authority or Department.

(3) Unless previously revoked, varied or suspended by the Authority or Department, a Partially Protected Flora and Fauna Possession Permit is effective until the fixed date specified in the Partially Protected Flora and Fauna Possession Permit.

Protected Flora and Fauna Possession Permit

13. (1) Any person who possesses a live specimen of a protected species of flora or fauna shall apply for a Protected Flora and Fauna Possession Permit.

(2) An application for a Protected Flora and Fauna Possession Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(3) An application for a Protected Flora and Fauna Possession Permit shall include the following –

- vi. the species of protected flora or fauna to be possessed;

- vii. the number of each individual species of flora or fauna to be possessed;
- viii. details as to the captivity, care and control of the protected species of flora or fauna to minimize risk of injury, damage to health or cruel treatment;
- ix. copy of applicable Wildlife Hunting Permits; and
- x. such other information that the Authority or Department may require.

(4) The Authority or Department may, during the determination of an application for a Protected Flora and Fauna Possession Permit request oral or additional written information from an applicant within a specified time.

Determination of an Application for a Protected Flora and Fauna Possession Permit

14. (1) The Authority or Department shall, within ten (10) working days of receipt of a completed application under regulation 13 above, grant with or without conditions or refuse to grant, a Protected Flora and Fauna Possession Permit to the applicant.

(2) The Authority or Department shall specify in each Protected Flora and Fauna Possession Permit–

- vi. Types of species of protected flora or fauna that can be possessed by the permittee;
- vii. Number, age and sex of individual species of protected flora or fauna that can be possessed;
- viii. Length of time during which species of protected flora or fauna can be possessed;
- ix. Restrictions and methods for the captivity, care and control of protected species of flora or fauna; and
- x. such other terms and conditions that are deemed necessary by the Authority or Department.

(3) Unless previously revoked, varied or suspended by the Authority or Department, a Protected Flora and Fauna Possession Permit is effective until the fixed date specified in the Protected Flora and Fauna Possession Permit.

Special Flora and Fauna Possession Permit

15. (1) Any person who possesses a live specimen of a species of flora or fauna not listed in the Fourth and Fifth Schedule of the Act, shall, on the request of the Authority or Department, apply for a Special Flora and Fauna Possession Permit.

(2) An application for a Special Flora and Fauna Possession Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(3) An application for a Special Flora and Fauna Possession Permit shall include the following –

- xi. the species of special flora or fauna to be possessed;
- xii. the number of each individual species of special flora or fauna to be possessed;
- xiii. details as to the captivity, care and control of the special species of flora or fauna to minimize risk of injury, damage to health or cruel treatment;
- xiv. copy of applicable Wildlife Hunting Permits; and
- xv. such other information that the Authority or Department may require.

(4) The Authority or Department may, during the determination of an application for a Special Flora and Fauna Possession Permit request oral or additional written information from an applicant within a specified time.

Determination of an Application for a Special Flora and Fauna Possession Permit

16. (1) The Authority or Department shall, within ten (10) working days of receipt of a completed application under regulation 15 above, grant with or without conditions or refuse to grant, a Special Flora and Fauna Possession Permit to the applicant.

(2) The Authority or Department shall specify in each Special Flora and Fauna Possession Permit–

- xi. Types of species of special flora or fauna that can be possessed by the permittee;
- xii. Number, age and sex of individual species of special flora or fauna that can be possessed;
- xiii. Length of time during which species of special flora or fauna can be possessed;
- xiv. Restrictions and methods for the captivity, care and control of special species of flora or fauna; and
- xv. such other terms and conditions that are deemed necessary by the Authority or Department.

(3) Unless previously revoked, varied or suspended by the Authority or Department, a Special Flora and Fauna Possession Permit is effective until the fixed date specified in the Special Flora and Fauna Possession Permit.

Stop Notice for Protected Species of Fauna and Flora

17. (1) A person who has been served with a Stop Notice pursuant to Section 76(6) of the Act shall immediately stop the activity involving the protected species and within fourteen days of the date of receipt of such Stop Notice, make representations to the Authority or Department regarding the matters specified in the Stop Notice.

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

- i. the Authority or Department may cancel the Stop Notice; or
- ii. enter into a consent agreement allowing the person to continue the activity involving the unprotected species subject to terms and conditions as the Authority or Department deems appropriate.

Application for Trade Permit

18. (1) An application for a Trade Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(2) An application for a Trade Permit shall include the following –

- i. details of the importation, exportation or re-exportation of the protected, partially protected and unprotected specimen;
- ii. the quantity of the protected, partially protected and unprotected specimen that is to be imported, exported or re-exported;
- iii. the purpose of the importation, exportation or re-exportation of the protected, partially protected and unprotected specimen;
- iv. details of the custody of the protected, partially protected and unprotected specimen that is to be imported, exported or re-exported;
- v. scientific data on any risks associated with the importation, exportation or re-exportation of the protected, partially protected and unprotected specimen;
- vi. copies of valid Phytosanitary certificates or sanitary certificates for the specimen;
- vii. copies of permits and other documents from other countries that may be required for the importation, exportation or re-exportation of the protected, partially protected and unprotected specimen; and

viii. such other information that the Authority or Department may require.

(3) The Authority or Department may, during the determination of an application for a Trade Permit, request oral or additional written information from an applicant.

Determination of Application for a Trade Permit

19. (1) The Authority or Department shall, within twenty (20) days of receipt of a completed application under regulation 16 above grant with or without conditions or refuse to grant a Trade Permit to the applicant.

(2) The Authority or Department may grant a Trade Permit to the applicant where it is satisfied that any live specimen is handled so as to minimise the risk of injury, damage to health or cruel treatment.

(3) A Trade Permit shall include but not be limited to the following –

- i. the quantity of the protected, partially protected or unprotected specimen that is to be imported, exported or re-exported;
- ii. conditions for custody of the protected, partially protected or unprotected specimen that is to be imported, exported or re-exported;
- iii. use for which protected, partially protected or unprotected specimen is to be made;
- iv. requirements for obtaining approvals and permits from third countries that may be required for the importation, exportation or re-exportation of the protected, partially protected and unprotected specimen;
- v. conditions to ensure that the permittee shall take all reasonable steps to avoid adverse environmental effects associated with the importation, exportation or re-exportation of the protected, partially protected and unprotected specimen;
- vi. conditions for minimizing the adverse environmental effect where the avoidance is impractical;
- vii. conditions for mitigating the effect of adverse environmental effect where the effect cannot be avoided;
- viii. terms for retention of records of all permit activities; and
- ix. such other terms and conditions that are deemed necessary.

(4) Unless previously revoked, varied or suspended by the Authority or Department, a Trade Permit is effective until the fixed date specified in the Trade Permit.

Application for Flora and Fauna Dealer Permit

20. (1) An application for a Flora and Fauna Dealer Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(2) An application for a Flora and Fauna Dealer Permit shall include the following –

- i. the quantity and types of all non-native non-domesticated species of fauna and flora, protected species of fauna and flora or partially protected species of fauna and flora proposed to be kept and traded;
- ii. detailed information to support the applicant's knowledge and experience in captive animal management and species identification;
- iii. location and layout of the premises where non-native non-domesticated species of fauna and flora, protected species of fauna and flora or partially protected species of fauna and flora shall be kept and/or traded;
- iv. information on security measures to be taken to prevent escape of fauna and to prevent unauthorised entry into enclosures;
- v. information on applicant's ability and experience in record-keeping;

- vi. details of the custody of the non-native non-domesticated species of fauna and flora, protected species of fauna and flora or partially protected species of fauna and flora to be kept and traded;
- vii. details of any persons other than the applicant who will be working in the premises where non-native non-domesticated species of fauna and flora, protected species of fauna and flora or partially protected species of fauna and flora shall be kept and/or traded;
- viii. scientific data on any risks associated with the keeping and trade of the non-native non-domesticated species of fauna and flora, protected species of fauna and flora or partially protected species of fauna and flora;
- ix. copies of valid Phytosanitary certificates or sanitary certificates for the non-native non-domesticated species of fauna and flora, protected species of fauna and flora or partially protected species of fauna and flora; and
- x. such other information that the Authority or Department may require.

(3) The Authority or Department may, during the determination of an application for a Flora and Fauna Dealer Permit, request oral or additional written information from an applicant.

Determination of Application for a Flora and Fauna Dealer Permit

21. (1) The Authority or Department shall, within twenty (20) days of receipt of a completed application under regulation 20 above grant with or without conditions or refuse to grant a Flora and Fauna Dealer Permit to the applicant.

(2) The Authority or Department may grant a Flora and Fauna Dealer Permit to the applicant where it is satisfied that any live specimen is handled so as to minimise the risk of injury, damage to health or cruel treatment;

(3) A Flora and Fauna Dealer Permit shall include but not be limited to the following –

- i. the quantity and types of all non-native non-domesticated species of fauna and flora, protected species of fauna and flora or partially protected species of fauna and flora to be kept and traded;
- ii. location and layout of the premises where non-native non-domesticated species of fauna and flora, protected species of fauna and flora or partially protected species of fauna and flora shall be kept and/or traded;
- iii. security measures to be taken to prevent escape of fauna and to prevent unauthorised entry into enclosures;
- iv. a requirement to keep records of all relevant data relating to the keeping and trading of non-native non-domesticated species of fauna and flora, protected species of fauna and flora or partially protected species of fauna and flora, including but not limited to sales, debts, trades, illnesses of specimens and details of purchasers of specimens;
- v. details of the custody of the non-native non-domesticated species of fauna and flora, protected species of fauna and flora or partially protected species of fauna and flora to be kept and traded;
- vi. details of any persons other than the applicant permitted to work on the premises where non-native non-domesticated species of fauna and flora, protected species of fauna and flora or partially protected species of fauna and flora shall be kept and/or traded;
- vii. conditions to ensure that the permittee shall take all reasonable steps to avoid adverse environmental effects associated with the importation, exportation or re-exportation of the protected, partially protected and unprotected specimen;
- viii. conditions for minimizing the adverse environmental effect where the avoidance is impractical;
- ix. conditions for mitigating the effect of adverse environmental effect where the effect cannot be avoided;
- x. terms for retention of records of all permit activities; and

xi. such other terms and conditions that are deemed necessary.

(4) Unless previously revoked, varied or suspended by the Authority or Department, a Flora and Fauna Dealer Permit is effective until the fixed date specified in the Flora and Fauna Dealer Permit.

Application for Flora and Fauna Propagation Permit

22. (1) An application for a Flora and Fauna Propagation Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(2) An application for a Flora and Fauna Propagation Permit shall include the following –

- i. the quantity and types of all protected or partially protected species of fauna and flora proposed to be propagated;
- ii. the purpose for which the Flora and Fauna Propagation Permit is sought, including whether the carcass or meat of any partially protected species of fauna is intended to sold;
- iii. detailed information to support the applicant's knowledge and experience in captive animal management and animal breeding;
- iv. a breeding plan for the protected or partially protected species of fauna or flora;
- v. location and layout of the premises where protected or partially protected species of fauna and flora shall be propagated;
- vi. information on security measures to be taken to prevent escape of fauna and to prevent unauthorised entry into enclosures;
- vii. information on applicant's ability and experience in record-keeping;
- viii. details of the custody of the protected or partially protected species of fauna and flora to be propagated;
- ix. details of any persons other than the applicant who will be working in the premises where protected or partially protected species of fauna and flora shall be propagated;
- x. scientific data on any risks associated with the propagation of the protected or partially protected species of fauna and flora;
- xi. copies of valid Phytosanitary certificates or sanitary certificates for the protected or partially protected species of fauna and flora; and
- xii. such other information that the Authority or Department may require.

(3) The Authority or Department may, during the determination of an application for a Flora and Fauna Propagation Permit, request oral or additional written information from an applicant.

Determination of Application for a Flora and Fauna Propagation Permit

23. (1) The Authority or Department shall, within twenty (20) days of receipt of a completed application under regulation 22 above grant with or without conditions or refuse to grant a Flora and Fauna Propagation Permit to the applicant.

(2) The Authority or Department may grant a Flora and Fauna Propagation Permit to the applicant where it is satisfied that any live specimen is handled so as to minimise the risk of injury, damage to health or cruel treatment;

(3) A Flora and Fauna Propagation Permit shall include but not be limited to the following –

- i. the quantity and types of all protected or partially protected species of fauna and flora to be propagated;
- ii. location and layout of the premises where protected or partially protected species of fauna and flora shall be propagated;
- iii. information on security measures to be taken to prevent escape of fauna and to prevent unauthorised entry into enclosures;

- iv. a requirement to keep records of all relevant data relating to the propagation of protected or partially protected species of fauna and flora, including but not limited to details of births, deaths, illnesses, medical histories, dispositions, releases, sales, debts and purchasers of specimens;
- v. details of the custody of the protected or partially protected species of fauna and flora to be propagated;
- vi. details of any persons other than the applicant working in the premises where protected or partially protected species of fauna and flora shall be propagated;
- vii. conditions to ensure that the permittee shall take all reasonable steps to avoid adverse environmental effects associated with the importation, exportation or re-exportation of the protected, partially protected and unprotected specimen;
- viii. conditions for minimizing the adverse environmental effect where the avoidance is impractical;
- ix. conditions for mitigating the effect of adverse environmental effect where the effect cannot be avoided;
- x. terms for retention of records of all permit activities; and
- xi. such other terms and conditions that are deemed necessary.

(4) Unless previously revoked, varied or suspended by the Authority or Department, a Flora and Fauna Propagation Permit is effective until the fixed date specified in the Flora and Fauna Propagation Permit.

Application for Fauna Rehabilitation Centre Permit

24. (1) An application for a Fauna Rehabilitation Centre Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(2) An application for a Fauna Rehabilitation Centre Permit shall include the following –

- i. the quantity and types of all species of fauna proposed to be rehabilitated;
- ii. the purpose for which the Fauna Rehabilitation Centre Permit is sought, including whether any specimens of fauna is intended to be disposed of pursuant to a Flora and Fauna Dealer Permit;
- iii. detailed information to support the applicant's knowledge and experience in animal rehabilitation;
- iv. location and layout of the premises where fauna shall be rehabilitated;
- v. information on security measures to be taken to prevent escape of fauna and to prevent unauthorised entry into enclosures;
- vi. information on applicant's ability and experience in record-keeping;
- vii. details of the custody of fauna to be rehabilitated;
- viii. details of any persons other than the applicant who will be working in the premises where fauna shall be rehabilitated;
- ix. scientific data on any risks associated with the rehabilitation of the particular species of fauna to be rehabilitated;
- x. copies of valid Phytosanitary certificates or sanitary certificates for the species of fauna; and
- xi. such other information that the Authority or Department may require.

(3) The Authority or Department may, during the determination of an application for a Fauna Rehabilitation Centre Permit, request oral or additional written information from an applicant.

Determination of Application for a Fauna Rehabilitation Centre Permit

25. (1) The Authority or Department shall, within twenty (20) days of receipt of a completed application under regulation 24 above grant with or without conditions or refuse to grant a Fauna Rehabilitation Centre Permit to the applicant.

(2) The Authority or Department may grant a Fauna Rehabilitation Centre Permit to the applicant where it is satisfied that any live specimen is handled so as to minimise the risk of injury, damage to health or cruel treatment;

(3) A Fauna Rehabilitation Centre Permit shall include but not be limited to the following –

- i. the quantity and types of all species of fauna proposed to be rehabilitated;
- ii. detailed information to support the applicant's knowledge and experience in animal rehabilitation;
- iii. location and layout of the premises where fauna shall be rehabilitated;
- iv. information on security measures to be taken to prevent escape of fauna and to prevent unauthorised entry into enclosures;
- v. a requirement to keep records of all relevant data relating to the rehabilitation of fauna, including but not limited to details of births, deaths, illnesses, medical histories, dispositions, releases, sales, debts and purchasers of specimens;
- vi. details of the custody of fauna to be rehabilitated;
- vii. details of any persons other than the applicant who will be working in the premises where fauna shall be rehabilitated;
- viii. conditions to ensure that the permittee shall take all reasonable steps to avoid adverse environmental effects associated with the importation, exportation or re-exportation of the protected, partially protected and unprotected specimen;
- ix. conditions for minimizing the adverse environmental effect where the avoidance is impractical;
- x. conditions for mitigating the effect of adverse environmental effect where the effect cannot be avoided;
- xi. terms for retention of records of all permit activities; and
- xii. such other terms and conditions that are deemed necessary.

(4) Unless previously revoked, varied or suspended by the Authority or Department, a Fauna Rehabilitation Centre Permit is effective until the fixed date specified in the Fauna Rehabilitation Centre Permit.

Application for Living Modified Organism Permit

26. (1) An application for a Living Modified Organism Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(2) An application for a Living Modified Organism Permit shall include the following –

- i. the quantity, types, and full scientific details of all living modified organisms to be imported, exported or re-exported, kept, stored or used;
- ii. the purpose for which the living modified organism is to be imported, exported or re-exported, kept, stored or used;
- iii. detailed information to support the applicant's knowledge and experience with living modified organisms;
- iv. methods and plans for monitoring the living modified organisms;
- v. emergency procedures to be applied in the event of an accident involving a living modified organism;
- vi. evaluation of foreseeable pathogenic and ecologically disruptive impacts of living modified organisms;
- vii. risk management measures to be utilised when managing living modified organisms;
- viii. the health and safety risks to employees, if any, and proposed health and safety measures to be utilised;

- ix. location and layout of the premises where living modified organisms shall be kept, stored, or used;
- x. information on security measures to be taken to prevent escape of living modified organisms and to prevent unauthorised entry into enclosures;
- xi. information on applicant's ability and experience in record-keeping;
- xii. details of the custody of living modified organisms to be imported, exported, re-exported, kept, stored, or used;
- xiii. details of any persons other than the applicant who will be working in the premises where living modified organisms shall be kept, stored, or used;
- xiv. scientific data on any risks associated with the importation, exportation, re-exportation, keeping, storage, usage of the living modified organism;
- xv. copies of valid Phytosanitary certificates or sanitary certificates for the living modified organism; and
- xvi. such other information that the Authority or Department may require.

(3) The Authority or Department may, during the determination of an application for a Living Modified Organism Permit, request oral or additional written information from an applicant.

Determination of Application for Living Modified Organism Permit

27. (1) The Authority or Department shall, within twenty (20) days of receipt of a completed application under regulation 26 above grant with or without conditions or refuse to grant a Living Modified Organism Permit to the applicant.

(2) A Living Modified Organism Permit shall include but not be limited to the following –

- i. the quantity, types, and full scientific details of all living modified organisms to be imported, exported or re-exported, kept, stored or used;
- ii. the purpose for which the living modified organism is to be imported, exported or re-exported, kept, stored or used;
- iii. methods and plans for monitoring the living modified organisms;
- iv. emergency procedures to be applied in the event of an accident involving a living modified organism;
- v. risk management measures to be utilised when managing living modified organisms;
- vi. location and layout of the premises where living modified organisms shall be kept, stored, or used;
- vii. information on security measures to be taken to prevent escape of living modified organisms and to prevent unauthorised entry into enclosures;
- viii. a requirement to keep records of all relevant data relating to the import, export, re-export, keeping, storage or usage of living modified organisms, including but not limited to details of modified traits, techniques used for modification, births, deaths, illnesses, medical histories, and dispositions;
- ix. details of the custody of living modified organisms to be imported, exported, re-exported, kept, stored, or used;
- x. details of any persons other than the applicant who will be working in the premises where living modified organisms shall be kept, stored, or used;
- xi. conditions to ensure that the permittee shall take all reasonable steps to avoid adverse environmental effects associated with the importation, exportation or re-exportation of the protected, partially protected and unprotected specimen;
- xii. conditions for minimizing the adverse environmental effect where the avoidance is impractical;
- xiii. conditions for mitigating the effect of adverse environmental effect where the effect cannot be avoided;
- xiv. terms for retention of records of all permit activities; and
- xv. such other terms and conditions that are deemed necessary.

(4) Unless previously revoked, varied or suspended by the Authority or Department, a Living Modified Organism Permit is effective until the fixed date specified in the Living Modified Organism Permit.

Quarantine

28. (1) Where the Authority or Department reasonably believes that the importation of any protected, partially protected or unprotected specimen could constitute a risk to the biological diversity of Trinidad and Tobago and to human health, the Authority or Department may require, as part of the terms and conditions of any Trade Permit, that the protected, partially protected or unprotected specimen be quarantined under such conditions and for such period of time as the Authority or Department may determine.

(2) The costs associated with quarantine of any protected, partially protected or unprotected specimen shall be borne by the permittee.

(3) Where the Authority or Department has quarantined any protected, partially protected or unprotected specimen, no person shall undertake any activity in respect of the quarantined protected, partially protected or unprotected specimen, except in accordance with the conditions established by the Authority or Department pursuant to subregulation (1).

(4) Where the Authority or Department reasonably believes that any protected, partially protected or unprotected specimen that is quarantined should be released, the Authority or Department may release the protected, partially protected or unprotected specimen that was quarantined to the permittee on such terms and conditions as it thinks fit.

(5) Where the Authority or Department reasonably believes that any protected, partially protected or unprotected specimen that is quarantined should be destroyed, the Authority or Department shall provide the permittee with ten (10) days notice of its intention to destroy the protected, partially protected or unprotected specimen that is quarantined and the reasons for its decision.

(6) A decision to place any protected and partially protected specimen and unprotected specimen under quarantine or to destroy any protected, partially protected or unprotected specimen that is quarantined may be appealed to the Environmental Commission within five (5) days of the permittee being advised of such a decision.

Responsibilities of Permittee

29. (1) The permittee shall at all times properly act to achieve compliance with any permit and shall furnish the Authority or Department with any information which the Authority or Department considers necessary to determine whether cause exists for varying, suspending, revoking or renewing the permit or to determine compliance with any permit.

(2) The permittee shall furnish to the Authority or Department, upon request, copies of records required to be kept by the permittee.

(3) The permittee shall report all instances of anticipated non-compliance to the Authority or Department and shall give reasonable notice of any activity which may result in non-compliance with the requirements of any permit.

(4) Where there has been non-compliance with the requirements of any permit, the permittee shall –

- i. report to the Authority or Department, within forty-eight hours of the time the permittee becomes aware of the circumstances of the non-compliance, the anticipated manner in which it may endanger health or the environment; and
- ii. within five (5) days, submit to the Authority or Department a report containing a description of the non-compliance, its cause and the period of non-compliance, including exact dates and time and the response of the permittee to the non-compliance.

(5) If the non-compliance in subregulation (4) has not been corrected, the permittee shall –

- i. submit a report to the Authority or Department indicating the anticipated duration of the continued non-compliance; and
- ii. state whether the permittee considers that the non-compliance was due to an emergency and the reasons for such a belief.

(6) The permittee shall allow an authorised officer upon the presentation of identification to –

- i. inspect at reasonable times any practices or operations regulated or required under the permit;
- ii. copy any records that must be kept under the conditions of the permit; and
- iii. monitor at reasonable times, for the purposes of ensuring compliance with the permit.

Requirement to act in a timely manner

30. Where the Authority or Department requires the information to be submitted under these Regulations, the applicant or permittee, where applicable, shall submit such information in a reasonable and timely manner.

Changes in Permitting Conditions

31. (1) A permittee shall, within twenty one (21) days of the following events, give the Authority or Department notice in writing of:

- i. a change affecting the accuracy of any particulars provided in an application for a permit; or
- ii. the cessation of the activity for which a permit has been issued.

(2) Where a permittee -

- i. dies;
- ii. becomes bankrupt;
- iii. transfers ownership;
- iv. goes into liquidation or receivership; or
- v. becomes a party to an amalgamation,

that person or the person responsible for his affairs shall, within twenty one (21) days of the event, give the Authority or Department notice in writing thereof.

Variation of Permit

32. (1) The Authority or Department may:

- i. on its own initiative vary the conditions of a permit; or
- ii. on the application of the permittee vary the conditions of a permit.

(2) The Authority or Department may vary a permit under subregulation (1)(i) –

- i. where it appears to the Authority or Department that a situation specified in regulation 31 has occurred; or
- ii. where it appears to the Authority or Department that an emergency has occurred; or
- iii. where it appears to the Authority or Department that any other change, situation or activity relating to the use of the permit has occurred that is not consistent with these Regulations.

Issuance of Amended Permit

33. (1) Where the Authority or Department varies a permit pursuant to regulation 32(1)(i), it shall issue an amended permit within thirty (30) days of its decision to vary the permit.

(2) Where the Authority or Department receives an application under regulation 32(1)(ii) for a variation of a permit, the Authority or Department shall, within thirty (30) days of receipt of the completed application and payment of the prescribed fee issue to the applicant an amended permit or refuse to grant a variation.

Transfer of Permit

34. (1) No permit is assignable or transferable to any person without the consent of the Authority or Department.

(2) The Authority or Department may, on the application of a permittee, transfer a permit to another person.

(3) An application for a transfer of a permit shall be in accordance with the form, as determined by the Authority or Department, and be submitted together with the prescribed fee.

(4) An application for a transfer shall contain –

- i. the name and address of the proposed transferee;
- ii. the signatures of the proposed transferee and the applicant; and
- iii. the original copy of the permit to be transferred.

(5) Where the Authority or Department approves an application under subregulation (2), the Authority or Department shall –

- i. endorse the transfer on the permit submitted under subregulation (4);
- ii. substitute the name of the applicant on the permit for that of the transferee; and
- iii. endorse the date on which the application was approved.

Renewal of permit

35. (1) Where a permittee desires to continue an activity beyond the expiration of a Permit, the permittee shall submit an application for the renewal of the Permit to the Authority or Department, in accordance with the form provided by the Authority or Department, together with the prescribed fee.

(2) An application for renewal of a Permit shall apply only where any such Permit is for a period in excess of one year and shall be made at least thirty (30) days before the expiration of the Permit.

(3) The Authority or Department during the determination of an application for the renewal of a Permit may request oral or additional written information from an applicant within a specified time.

(4) The Authority or Department shall within thirty (30) days of receipt of a completed application under subregulations (2) and (3) above, grant with or without conditions or refuse to grant a renewed Permit to the applicant.

(5) Where a permittee has submitted an application for the renewal of a Permit pursuant to subregulations (1) and (2), the current Permit shall continue in force until the determination of the application to renew the Permit pursuant to subregulation (4).

(6) Unless previously revoked, varied or suspended by the Authority or Department, a renewed Permit is effective until a fixed date specified in the renewed Permit.

Revocation of permit

36. (1) The Authority or Department may revoke a permit if it appears to the Authority or Department that-

- i. the continuation of the activity authorised by the permit would cause serious harm to the environment or serious harm to human health that cannot be avoided by varying the conditions of the permit;
- ii. the permittee has made a misrepresentation or wilful omission in obtaining the permit or in any report submitted to the Authority or Department;
- iii. the permittee has violated any fundamental condition of the permit; or
- iv. there has been a change in circumstances relating to the permit that requires a revocation of the permit.

Suspension of Permit

37. (1) The Authority or Department may suspend a permit if it appears to the Authority or Department that-

- i. the permittee has violated any condition in the permit; or
- ii. there has been any other change in circumstances relating to the permit that requires a temporary cessation of the activity for which a permit has been granted.

(2) A permit suspended under subregulation (1) shall be of no effect to authorise the activity allowed in the permit.

(3) Where a permit is suspended under subregulation (1), the Authority or Department, in suspending it or at any time while it is suspended, may require the permittee to take such measures as it deems necessary.

Procedure for the Revocation, Suspension and Variation of a permit and Rejection of Claims

38. The Authority or Department shall not revoke, suspend or vary a permit or reject a claim under regulation 42 unless it has –

- i. given written notice to the permittee or applicant that it intends to do so;
- ii. specified in the notice the reasons for its intention to do so;
- iii. given the permittee or applicant a reasonable opportunity to make submissions in relation to the revocation, suspension, variation or rejection; and taken into consideration any submissions made by the permittee or applicant.

(2) Notwithstanding subregulation (1) above, the Authority or Department may suspend a permit in cases of national emergency or in the public interest or where the continuation of the activity authorised by the permit during the period of suspension would cause serious harm to the environment or serious harm to human health.

Notification of Decisions of the Authority or Department

39. The Authority or Department shall, by written notice, inform the applicant or the permittee, as the case may be, of the following decisions in relation to a permit or to an application made under regulation 42 –

- i. issue of a Flora Harvesting Permit with or without conditions under regulation 8;
- ii. refusal of a grant of a Flora Harvesting Permit under regulation 8;
- iii. issue of a Wildlife Hunting Permit with or without conditions under regulation 10;
- iv. refusal of a grant of a Wildlife Hunting Permit under regulation 10;
- v. issue of a Partially Protected Flora and Fauna Possession Permit with or without conditions under regulation 12;
- vi. refusal of a grant of a Partially Protected Flora and Fauna Possession Permit under regulation 12;
- vii. issue of a Protected Flora and Fauna Possession Permit with or without conditions under regulation 14;
- viii. refusal of a grant of a Protected Flora and Fauna Possession Permit under regulation 14;
- ix. issue of a Special Flora and Fauna Possession Permit with or without conditions under regulation 16;
- x. refusal of a grant of a Special Flora and Fauna Possession Permit under regulation 16;
- xi. non-cancellation of a Stop Notice or refusal to enter into a consent agreement pursuant to regulation 17;
- xii. issue of Trade Permit with or without conditions under regulation 19;
- xiii. refusal of a grant of a Trade Permit under regulation 19;
- xiv. issue of a Flora and Fauna Dealer Permit with or without conditions under regulation 21;
- xv. refusal of a grant of a Flora and Fauna Dealer Permit under regulation 21;
- xvi. issue of a Flora and Fauna Propagation Permit with or without conditions under regulation 23;
- xvii. refusal of a grant of a Flora and Fauna Propagation Permit under regulation 23;
- xviii. issue of a Fauna Rehabilitation Centre Permit with or without conditions under regulation 25;
- xix. refusal of a grant of a Fauna Rehabilitation Centre Permit under regulation 25;
- xx. issue of a Living Modified Organism Permit with or without conditions under regulation 27;
- xxi. refusal of a grant of a Living Modified Organism Permit under regulation 27;
- xxii. placing any Protected and Partially Protected Specimen and Unprotected Specimen under quarantine and the conditions thereto under regulation 28;
- xxiii. destroying any Protected and Partially Protected Specimen and Unprotected Specimen that is under quarantine under regulation 28;
- xxiv. a variation of a permit under regulation 32;
- xxv. issuance or refusal to issue an amended permit under regulation 33;
- xxvi. refusal of an application for a transfer of a permit under regulation 34;
- xxvii. refusal of an application for a renewal of a permit under regulation 35;
- xxviii. a revocation of a permit under regulation 36;
- xxix. a suspension of a permit under regulation 37; or
- xxx. a rejection of a claim under regulation 42.

Appeals to the Environmental Commission

40. A decision of the Authority or Department mentioned in regulation 39 is subject to appeal to the Environmental Commission.

Fauna and Flora Register

41. (1) The Authority or Department shall specify and maintain a Fauna and Flora Register which shall be in any form and be part of the NBIS established pursuant to section 35(1) of the Act.

(2) The Fauna and Flora Register shall be open to the public for inspection at the Authority or Department's principal office during working hours.

(3) Subject to regulation 42, the Fauna and Flora Register shall contain particulars of, or relating to –

- i. every application for a permit and relevant information forming part of the application;
- ii. a refusal of a grant of a permit;
- iii. issue of a permit with conditions;
- iv. issue of a Stop Notice and, where applicable, a consent agreement pursuant to regulation 17;
- v. placing any Protected and Partially Protected Specimen and Unprotected Specimen under quarantine and the conditions thereto;
- vi. destroying any Protected and Partially Protected Specimen and Unprotected Specimen that is under quarantine;
- vii. a variation of a permit under regulation 32;
- viii. issuance or refusal to issue an amended permit under regulation 33;
- ix. refusal of an application for a transfer of a permit under regulation 34;
- x. refusal of an application for a renewal of a permit under regulation 35;
- xi. a revocation of a permit under regulation 36;
- xii. a suspension of a permit under regulation 37;
- xiii. a rejection of a claim under regulation 42;
- xiv. inspection and monitoring reports, notices, administrative orders, administrative civil assessments, appeals, applications, civil actions, claims, and applications for enforcements issued or made pursuant to the Act and these Regulations; and
- xv. any other information considered by the Authority or Department as necessary to be placed in the public domain.

(4) An extract from the Fauna and Flora Register shall be supplied at the request of any person on payment of the prescribed fee.

Trade secrets and confidential business information

42. (1) An applicant, upon payment of the prescribed fee, may assert a claim in accordance with the form as determined by the Authority or Department, that any of the information supplied to the Authority or Department under these Regulations is a trade secret or confidential business information and that it be omitted from the Fauna and Flora Register.

(2) The Authority or Department may reject the claim for the reason -

- i. that the applicant has not disclosed the basis for the claim;
- ii. that the basis thereof is invalid; or
- iii. that the public interest in disclosing the information clearly outweighs any prejudice to the applicant.

(3) The Authority or Department shall omit the information from the Fauna and Flora Register where -

- i. the Authority or Department does not contest the claim; or
- ii. the Authority or Department rejects the claim under subregulation (2) but the claim is upheld on an appeal pursuant to regulation 40.

Offences

43. It shall be an offence for any person to contravene the provisions of these Regulations or any permit or Stop Notice.