

CHAPTER 20:06

NATIONAL PARKS COMMISSION ACT

ARRANGEMENT OF SECTIONS

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An Act to make provision for the establishment of a National Parks Commission, with responsibility for the maintenance of public parks.

[9TH DECEMBER, 1977]

1. This Act may be cited as the National Parks Commission Act. Short title.

2. (1) In this Act— Interpretation.
[11 of 1994]

“designated park” means the National Park, the Kaieteur National Park and any park which the Minister, after consultation with the local

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Government authority within whose area the park is situated, has designated by notice published in the *Gazette* for the purpose of vesting the responsibility for the maintenance thereof in the Commission;

“member” means a member of the National Parks Commission appointed under section 3:

“park” includes any area of land or open space to which the public has access for the purpose of the enjoyment of its natural beauty or which affords opportunity for open air recreation;

“the Commission” means the National Parks Commission established under section 3;

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“the Kaieteur National Park” means the national park of that name constituted under the Kaieteur National Park Act and references in that Act to a Board and the establishment thereof shall be construed and have effect as references to the Commission;

“the National Park” means that area of land situated in the City of Georgetown and known at the coming into operation of this Act as the National Park, including any adjoining land as may hereafter be added to that area.

(2) References in this Act to the conservation of the natural beauty of an area shall be construed as including references to the conservation of its flora, fauna and geological and physiographical features.

Establishment
and constitu-
tion of the
National Parks
Commission.

3. (1) There is hereby established a body to be known as the National Parks Commission which shall be a body corporate.

(2) The Commission shall consist of not less than four nor more than eleven members appointed by the Minister.

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(3) Any member other than the Chairman or Deputy Chairman may at any time resign his office as such by instrument in writing addressed to the Chairman who shall cause the same to be forwarded to the Minister and upon the date of the receipt by the Chairman of the instrument such member shall cease to be a member.

(4) The Chairman or Deputy Chairman may at any time resign his office as such by instrument in writing addressed to the Minister and such resignation shall take effect upon the date of the receipt of such instrument by the Minister.

(5) If the Chairman or Deputy Chairman ceases to be a member, he shall also cease to be Chairman or Deputy Chairman as the case may be.

(6) Four members of the Commission shall form a quorum.

(7) There shall be paid to the Chairman and other members of the Commission such remuneration, if any (whether by way of salaries or travelling or other allowances), as the Minister may determine.

(8) The appointment, removal from office, or cessation of the tenure of office, of the Chairman or any other member shall be notified in the *Gazette*.

4. The Minister may give to the Commission such directions of a general or specific character as appear to him expedient in relation to the exercise of its functions, and the Commission shall give effect to any such directions.

Policy directions.

5. It shall be the function of the Commission to—

(a) maintain and regulate the use of any designated park so as to leave it unimpaired for the enjoyment of future generations;

Duties and functions of the Commission.

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(b) make recommendations to the National Trust to achieve the conservation of the natural beauty of any area of land in Guyana and to carry out such acts as the National Trust directs for the purpose of attaining the objectives of those recommendations;

(c) collaborate with local government authorities in developing any area of land subject to the control of any such authority for the purpose of affording to members of the public opportunity for open air recreations;

(d) provide to local government authorities maintenance services in respect of parks on such terms and conditions as the Commission sees fit;

(e) give general advice to the Minister or any statutory body in relation to the provision or improvement of opportunities for the enjoyment of the countryside by members of the public.

Chairman.

6. The Chairman shall be the chief executive officer of the Commission and, subject to section 7 and the general policy decisions of the Commission, shall be responsible for the carrying out of the functions of the Commission including the organisation, appointment and dismissal of employees in accordance with the general terms and conditions of service established by the Commission.

Remuneration and appointment of employees.

7. (1) The Commission may appoint and employ upon such terms and conditions as it thinks fit, such employees and agents as the Commission deems necessary for the proper carrying out of the provisions of this Act:

Provided that—

(a) no salary in excess of three thousand dollars per annum shall be assigned to any office and no allowances allocated thereto without the prior approval of the Minister;

(b) no appointment shall be made to any office to which salary in excess of three thousand dollars per annum is assigned without the prior approval of the Minister;

(c) the Commission shall not terminate, without the prior approval of the Minister, the employment of any person who

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holds a post the salary of which is in excess of three thousand dollars per annum.

(2) The Commission may, at any time, retain the services of professional persons and may pay such remuneration in respect thereof as the Commission, with the approval of the Minister, may determine.

(3) Where a public officer is seconded or temporarily transferred from a pensionable office within the meaning of the Pensions Act to an office with the Commission, section 5 of that Act shall apply to him as if his service with the Commission were public service.

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(4) Where a public officer is appointed to an office with the Commission, his service with the Commission shall be other public service within the meaning of, and for the purposes of, such provisions applicable in relation thereto as are contained in, the Pensions Act (including the Pensions Regulations 1957).

8. (1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member in respect of any act done *bona fide* in pursuance of the execution or intended execution of this Act.

Protection of members of the Commission.

(2) Where any member is exempt from liability by reason only of the provisions of subsection (1), the Commission shall be liable to the extent that it would be if such member were an officer or other employee, or agent, of the Commission.

9. The duty imposed by section 5 to maintain designated parks shall extend over all fixtures, furniture, equipment and other facilities made available therein for the benefit of members of the public using the parks.

Maintenance of designated parks.

10. The Commission may within a designated park—

(a) authorise the construction of footpaths, roads, bridges, fences, walls, buildings and drains;

(b) let sites, with the approval of the Minister, for the erection of buildings for shops or other undertakings; and

Powers of the Commission in relation to a designated park.

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(c) undertake such other works or measures, as it may consider necessary for the maintenance and development of any designated park:

Provided that nothing in the foregoing provisions of this section or in section 9 shall be deemed to authorise the Commission to do any act which would be likely to hinder or adversely affect the preservation of buildings of national interest or of architectural, historic or artistic interest and places of natural interest or natural importance or beauty.

Assets and resources of the Commission.

11. (1) The assets and resources of the Commission shall consist of—

- (a) such sums as may be provided by Parliament; and
- (b) all other sums or property which may in any manner become payable to or vested in the Commission for the general purposes of the Commission or in respect of any matter incidental thereto.

(2) The expenses of the Commission (including any remuneration of the members, employees and agents thereof) shall be paid out of the assets and resources of the Commission.

Accounts and report to the Minister.

12. (1) The accounts of the Commission shall be audited annually by the Director of Audit and the members, officers and employees of the Commission shall grant to the Director of Audit access to all the books, documents, cash and securities of the Commission and shall give to him on request all such information as shall be within their knowledge in relation to the operation of the Commission.

(2) The Commission shall in each year prepare a report on its activities in the last preceding year and shall furnish such report to the Minister not later than the thirtieth day of June.

By-laws.
[6 of 1997]

13. (1) The Commission may, with the approval of the Minister, make by-laws in respect of any or all designated parks for the purpose of carrying out the functions of the Commission under this Act, and without prejudice to the generality of the foregoing, such by-laws may—

- (a) make provision for the imposition and collection of fees under which any person may enter, travel through, or in any way make use of such parks and any of the facilities therein;
- (b) prohibit or regulate the use of the park or any part thereof either generally or in any manner specified in the by-laws, by traffic of any description so specified;
- (c) contain provisions prohibiting the depositing of rubbish and the leaving of litter;
- (d) prohibit or restrict the killing, taking, molesting or disturbance of living creatures of any description in a designated park, the taking, destruction or disturbance of eggs of any such creature, the taking of, or interference with, vegetation of any description in such park or the doing of anything therein which will interfere with the soil or damage any object in the park.

(2) By-laws made under subsection (1) may provide that the breach thereof shall be an offence punishable on summary conviction by a fine not exceeding twenty-seven thousand, five hundred dollars and to imprisonment for six months.

(3) By-laws may provide for the recovery by the Commission from any offender, in addition to any penalty imposed under subsection (2), or from the proceeds of any sale by the Commission of property taken possession of by the Commission in breach of such by-laws, of the expenses incurred by the Commission in consequence of such breach and the exercise by the Commission of its powers to ensure compliance with the by-laws.

(4) At least fourteen days before application for the approval of the Minister of the by-laws is made, notice of the intention to apply for approval shall be published and a copy of the proposed by-laws for which approval is intended to be sought shall be deposited in the office of the Commission and be open for public inspection without payment of fee at all reasonable hours during the period ensuing between the publication and the day of application.

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(5) All by-laws submitted to the Minister for approval shall be accompanied by copies of any objection to the adoption of the by-laws which has been lodged in writing with the Chairman or if no such objection has been lodged, a certificate by the Chairman to that effect.

(6) The Minister may approve with or without amendment or reject any by-laws submitted to him.

(7) A copy of by-laws which have been approved shall be deposited at the office of the Commission and be open at all reasonable hours to public inspection without fee and another copy shall be kept displayed at a conspicuous place in the park to which the by-laws relate.

Exemption
from taxes.

14. The Commission shall be exempt from the payment of any licence fees, duties of customs, purchase tax and income tax, in respect of any goods bought for the use or income accruing to the Commission, as the case may be.

Statutory
Authorities
and the
Commission.

15. (1) Nothing in this Act shall be deemed to confer on the Commission any function conferred by law on any other authority and the Commission in the carrying out of the functions conferred upon it by this Act shall do so in a manner as would facilitate the carrying out by that other authority of its functions.

(2) Subject to section 14 and to subsection (3) of this section, the provisions of this Act shall not derogate from the requirements of any other enactment providing for the exercise of the functions of any authority established under the Town and Country Planning Act, and enactments relating to public health, public utilities and the control of road traffic.

(3) An authority referred to in subsection (2) shall —

(a) consult with the Commission whenever such authority considers that any proposed work of construction would hinder or otherwise adversely affect the conservation of the natural beauty of an area;

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(b) in the carrying out of its functions consider any recommendations made by the Commission in relation to measures which the Commission considers would promote the conservation of the natural beauty of an area.
