

[Legal Notice No. 12]

PROVINCIAL GOVERNMENT ACT 1981

(No. 7 of 1981)

THE TEMOTU PROVINCE
ENVIRONMENTAL PROTECTION ORDINANCE
1994

AN ORDINANCE TO PROVIDE FOR THE PROTECTION OF RARE AND ENDANGERED SPECIES AND THEIR HABITATS IN TEMOTU PROVINCE.

1. This Ordinance may be cited as the Temotu Province Environmental Protection Ordinance 1994 and shall come into effect after assent by the Minister of Provincial Government and publication in the Gazette.

2. In this Ordinance, except where the context requires otherwise -

“Executive” means the Temotu Provincial Executive;

“National Museum” means the Solomon Islands National Museum;

“person” means any person and includes any public body, company or association, and any body of persons corporate or unincorporate;

“protected place” means any area declared as protected in accordance with this Ordinance;

“protected species” means any plant, fish, reptile, bird, crustacean, fungus or insect declared as protected in accordance with this Ordinance;

“provincial employee” means any person holding a paid position in the service of Temotu Province and not a public officer;

“Public officer” means any person from time to time posted to Temotu Province and holding a paid position in the public service;

3. Any person other than -

(a) A person acting on behalf of the National Museum;

(b) A person authorised in writing by the executive; or

(c) A person acting in accordance with customary procedure;

who takes, buys or sells or offers to buy or sell any Protected Species or any product obtained from a Protected Species shall be guilty

of an offence and on conviction shall be liable to a fine not exceeding \$500.00 per offence, or in default of payment of the fine, to imprisonment for a period not exceeding 6 months.

4. The Executive may, by regulation, declare any animal, plant, fish, reptile, bird, fungus, crustacean or insect to be a Protected Species.

5. (a) The Executive may, by regulation, declare any area used by a Protected Species as a habitat or breeding ground to be a Protected Place.

(b) No declaration shall be made pursuant to subsection (a) without the written request or consent of the bona fide representative(s) of the owners of the land in respect of which the declaration is to be made, as determined by the area council within with the Protected Place, or the majority of the Protected Place, is located.

(c) Following the declaration of an area as a Protected Place, the owners of that area shall be responsible for marking its boundaries so as to afford reasonable notice to persons operating in the area of the Protected Place of the existing of the Protected Place and the Protected Species contained within.

6. (1) Any person who undertakes any activity whether inside or outside any Protected Place, which results in adversely disturbing or damaging the Protected Species within that Protected Place is guilty of an offence and is liable to the penalties set out in section 10 of the Ordinance.

(2) It shall not be an offence under this section -

(a) for persons, exercising customary rights within any Protected Place, to use that Protected Place for its custom purpose;

(b) for persons to use any shelters, in a Protected Place as temporary shelters in an emergency; or,

(c) for the landowners of any Protected Place or for officers or employees of Temotu Province, of the National Museum, or a person approved in writing by the Executive to carry out activities necessary to preserve the status quo of that Protected Place or the Protected Species within that Protected Place.

7. It is an offence to disturb the nest, eggs, offspring or habitat of a Protected Species whether said nest, egg, offspring or habitat is located within or without a Protected Place.

8. The Executive may, by regulation, remove the protected status of any species; or may remove the protected status of any area.

9. The Executive or any public officer or provincial employee designated by the Executive shall as soon as practicable establish and maintain at the provincial offices a register of Protected Species and Protected Places which shall defined as accurately as possible all Protected Species and the boundaries of each Protected Place and the method by which the site boundaries have been marked. Said register shall be available for inspection during regular business hours.

10. Any offence under section 6 or 7 is punishable by a fine not exceeding \$500 for each offence, or in default of payment, by imprisonment for a period not exceeding six (6) months.

11. (1) It shall be lawful for any landowners, police officer, area constable, member of the staff of the National Museum or any provincial employee or public officer, designated by the Executive, to make enquiries at all reasonable times to ascertain whether any offence under this Ordinance is being or has been committed.

(2) Any person who obstructs or impedes any landowner, police officer, area constable, provincial employee, public officer or member of the National Museum staff acting in due exercise of his powers under this Ordinance, is guilty of an offence and liable to fine not exceeding \$200.00 or, in default of payment, to imprisonment for a period not exceeding three (3) months.

12. The following ordinances and regulations are revoked:-

- (a) The Temotu Province Environmental Protection Ordinance 1989;
- (b) The Temotu Province Environmental Protection (Amendment) Ordinance 1992;
- (c) The Temotu Province Environmental Protection Regulations 1990
- (d) The Temotu Province Environmental Protection Regulations 1991.

Passed by the Temotu Provincial Assembly this fourth day of November 1994.

HELEN V. JEANS
Acting Clerk to the Temotu Provincial Assembly

Assented to by the Honourable Minister of Provincial Government this seventeenth day of January 1995.

ALLAN QURUSU
Minister of Provincial Government