

# REPRINT

## NATIONAL PARKS ACT (CAP. 149)

**As in force at: 1 October 2009**

<b>STATUS:</b> <b>CURRENT</b>
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For details see Endnotes
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**AN ACT TO PROVIDE FOR THE FORMATION OF NATIONAL PARKS**

## **NATIONAL PARKS ACT (CAP. 149)**

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# NATIONAL PARKS ACT (Cap. 149)

As in force at: 1 October 2009

## 1 Short title

This Act may be cited as the *National Parks Act*.

## 2 Interpretation

In this Act unless the context otherwise requires:

“**animal**” means any kind of vertebrate animal (including fish) and includes the eggs and young thereof;

“**hunting**” includes any act immediately directed at the killing or capture of any animal and the taking of eggs, nests or young;

“**park ranger**” means a person appointed to be a park ranger pursuant to section 3 and includes a senior park ranger;

“**vegetation**” includes any form of vegetable matter alive or dead.

## 3 Formation of national parks and appointment of park rangers

- (1) The Minister by proclamation may declare any area of land to be a national park and may, in like manner, define or alter the limits of any such area.
- (2) A senior park ranger, park rangers or voluntary park rangers may be appointed for the purposes of this Act, any such appointment to be made pursuant to the *Constitution* in the case of a public office but otherwise by the Minister.
- (3) A person appointed pursuant to subsection (2) shall exercise and perform such functions as may be prescribed.

## 4 Acquisition of land in national park

The Minister may, either by purchase or otherwise, acquire any private land, situated within a national park if he considers it

necessary or desirable in the interests thereof, paying therefor such compensation as may be agreed upon.

## **5        Restriction of residence in national parks**

It shall not be lawful for any person other than:

- (a) a public officer on duty within the park;
- (b) a person whose place of ordinary residence is within the park;
- (c) a person who has any rights over immovable property within the park;
- (d) a person engaged in *bona fide* prospecting or mining operations;
- (e) the dependants and servants of the above persons;

to reside in a national park except in accordance with a permit to reside issued under the provisions of section 6.

## **6        Permit to reside in national parks**

The Permanent Secretary, Ministry of Youth and Cultural Affairs and any officer authorised by him may issue to any person a permit to reside in a national park for any of the following purposes:

- (a) investigation or study of wild life and purposes ancillary thereto;
  - (b) travel;
  - (c) photography;
  - (d) transacting lawful business with any person;
  - (e) scientific research;
  - (f) collecting firewood.
- (2) A permit to reside in a national park shall be issued subject to such conditions as the Permanent Secretary, Ministry of Youth and Cultural Affairs may require and such conditions shall be endorsed

on the permit.

## **7 Refusal of permits**

- (1) The Permanent Secretary, Ministry of Youth and Cultural Affairs may for good and sufficient reason refuse to issue or may revoke a permit to reside in a national park.
- (2) Any person aggrieved by a decision of the Permanent Secretary, Ministry of Youth and Cultural Affairs under subsection (1) may appeal to the Minister whose decision shall be final.

## **8 No hunting in national parks**

- (1) No person shall hunt any animal other than fish in a national park:

Provided that the Permanent Secretary, Ministry of Youth and Cultural Affairs may where he is satisfied that it is necessary that animals should be hunted for the better preservation of other animal life or for other good and sufficient reason issue a permit authorising any person to hunt such animals as may be necessary.

- (2) A permit issued under subsection (1) shall specify the number and kind of animals that may be hunted thereunder.

## **9 Carrying of arms in a national park**

No person shall in a national park be in possession of any arms other than such as may be authorised by a permit issued by the Permanent Secretary, Ministry of Youth and Cultural Affairs for good and sufficient reasons:

Provided that nothing in this section shall make it unlawful for a member of the Government service to carry arms if he is employed in the national park upon duty which involves the carrying of arms.

## **10 Other offences**

It shall be unlawful for any person:

- (a) wilfully or negligently to cause any bush or grass fire in a national park;

- (b) to leave unextinguished any fire which he has lighted, or to discard any burning object, in a national park;
- (c) to pick, pluck or dig out any vegetation;
- (d) to discard any refuse or any litter within a national park, or in any other way to disfigure a national park;
- (e) to interfere with, obstruct or resist a park ranger in the execution of his duties.

## **11 Defence of life or property**

Nothing in this Act shall make it an offence to kill or injure by any means any animal in defence of human life or property:

Provided that this section shall not apply to the killing or injuring of an animal in self defence if the behaviour of the animal necessitated such killing or injuring as the result of deliberate provocation.

## **12 Destruction of dangerous animals**

Notwithstanding any other provisions of this Act an administrative officer may kill or authorise the killing of any animal in any manner if he considers it necessary in the interests of public safety or the protection of property.

## **13 Penalties and forfeitures**

- (1) Any person who contravenes the provisions of sections 5, 8, 9 or 10 or fails to comply with any condition endorsed on a permit issued under the provisions of this Act shall be guilty of an offence and shall be liable on conviction to imprisonment for six months or to a fine of two hundred penalty units or to both such imprisonment and fine.
- (2) When any person is convicted of an offence against this Act the Court may order that any firearm, animal meat or vegetation shall be forfeited to the Government or destroyed and that any permit held by such person under the provisions of this Act shall be cancelled.

## **14 Rules**

The Minister may make rules generally for the better carrying out of

the purposes of this Act and in particular and without prejudice to the generality of the foregoing for:

- (a) prescribing the form to be used for any permit issued under the provisions of this Act;
- (b) prohibiting or regulating the hunting of animals near roads or townships;
- (c) controlling settlements in national parks with a view to preventing disturbances of the natural fauna.

## ENDNOTES

### 1

#### KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

#### NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 149 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

### 2

#### LIST OF LEGISLATION

##### ***National Parks Act (Cap. 149)***

<i>Constituent legislation:</i>	5 of 1954 (Commenced 19 March 1954)
	5 of 1973
	LN 46A of 1978
	LN 88 of 1978

##### ***Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)***

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

### 3

#### LIST OF AMENDMENTS

s 13	amd by Act No. 14 of 2009
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