



# ST. CHRISTOPHER AND NEVIS

## CHAPTER 11.03

### NATIONAL CONSERVATION AND ENVIRONMENT PROTECTION ACT and Subsidiary Legislation

Revised Edition  
showing the law as at 31 December 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Cap. 1.03.

This edition contains a consolidation of the following laws—

#### NATIONAL CONSERVATION AND ENVIRONMENT PROTECTION ACT

Act 5 of 1987 ... in force 3rd July 1989

Amended by: Act 12 of 1996

Act 21 of 2001

BRIMSTONE HILL FORTRESS NATIONAL PARK REGULATIONS – S.24  
S.R.O. 11/1991

SUBSTANCES THAT DEplete THE OZONE LAYER (CONTROL)  
REGULATIONS- S. 63  
S.R.O. 6/2004

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## CHAPTER 11.03

NATIONAL CONSERVATION AND ENVIRONMENT PROTECTION  
ACT  
ANACTTO PROVIDE FOR THE BETTER MANAGEMENT AND DEVELOPMENT OF THE  
NATURAL AND HISTORIC RESOURCES OF SAINT CHRISTOPHER AND NEVIS FOR PURPOSES  
OF CONSERVATION; THE ESTABLISHMENT OF NATIONAL PARKS, HISTORIC AND  
ARCHAEOLOGICAL SITES AND OTHER PROTECTED AREAS OF NATURAL OR CULTURAL  
IMPORTANCE INCLUDING THE BRIMSTONE HILL FORTRESS NATIONAL PARK; THE  
ESTABLISHMENT OF A CONSERVATION COMMISSION; AND TO PROVIDE FOR RELATED OR  
INCIDENTAL MATTERS.

### PART I PRELIMINARY

Short title.

1. This Act may be cited as the National Conservation and Environment  
Protection Act.  
Interpretation.

2. In this Act, unless the context otherwise requires—

“area of special concern” means a place or site needing special protection and  
controlled use in order to stabilise or restore important ecological features or  
functions;

“authorised officer” means any police officer, forest officer or any other person  
appointed for the purposes of this Act;

“beach” means the sloping area of unconsolidated material typically sand, that  
extends landward from the mean high water mark to the area where there is a  
marked change in material or natural physiographic form or when there is no  
such marked change in the material or natural physiographic form, the beach  
shall be deemed to extend to a distance of twenty metres landward from the  
mean high water mark or such lesser area as may be determined by the  
Minister in consultation with the Conservation Commission and in all cases  
shall include the primary sand dune;

“botanic garden” means a garden established for preservation display and propagation  
of the National botanical resources;

“coast conservation” means the protection and preservation of the coast from sea  
erosion or encroachment by the sea, and includes the planning and  
management of developmental activity within a coastal zone;

“coastal waters” include the sea, and those waters adjacent to the landward line of the  
adjoining land or connected permanently or intermittently with the sea which  
contain a measurable quantity of seawater, sounds, bays, lagoons, ponds and  
estuaries, and the land below and along the banks of the waters;

(Inserted by Act 21 of 2001)

“coastal zone” means any area having an elevation less than 15 metres above mean sea level within a limit of one hundred metres of the mean high water mark and a limit of two kilometres seawards of the mean low water mark and shall include the foreshore and the floor of the sea;

“environment” means the physical factors of the surroundings of human beings including the land, soil, water, atmosphere, climate, sound, odours, tastes, and the biological factors of animals and plants of every description;

“fish” means fish of any kind and lobster, crawfish, crab, shrimp, oyster, mussel, cockles and any other kind of shellfish;

(Inserted by Act 21 of 2001)

“foreshore” means that portion of the coastal zone which lies between the low water mark of the sea and landward to the vegetation line found thereon or in the absence of vegetation, the high water mark;

“historic site” means a place or site which is historic by reason of an association with the past and is part of the cultural or historical heritage of Saint Christopher and Nevis, and such a classification may include archaeological sites, historic landmarks, and areas of special historic or cultural interest;

“land” includes the floor of the sea and anything resting on or within the foreshore or floor of the sea;

(Inserted by Act 21 of 2001)

“marine reserve” means an area as provided in section 23 of the Fisheries Act, Cap. 14.07;

“Minister” means the Minister for the time being charged with the subject of Environment;

“national park” means an area consisting of a relatively large land or marine area or some combination of land or sea, containing natural and cultural features or scenery of national or international significance and managed in a manner to protect such resources and sustain scientific, recreational and educational activities on a controlled basis;

“nature reserve” means an area containing outstanding or fragile natural features or life forms of national importance that need protection in an undisturbed state where the only permitted activities are management measures, controlled scientific research and educational study;

“owner” includes, as the case may be, an occupier or a lessee;

“pollution” means any direct or indirect alteration of the physical, thermal, chemical, biological or radioactive properties of any part of the environment by the discharge, emission, or the deposit of wastes so as to affect any beneficial use adversely or to cause a condition which is hazardous to public health, safety or welfare, or to animals, birds, wildlife, marine life or to plants of every description;

“protected area” means a national park, nature reserve, botanic garden, historic site, scenic site or any other area of special concern or interest designated under section 6(1) of this Act;

“sand mining” means to dig, take away, or assist in digging and taking away any deposit of sand, stone, gravel or shingle by whatever means;

(Inserted by Act 21 of 2001)