



BERMUDA

BERMUDA NATIONAL PARKS ACT 1986

1986 : 45

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[preamble and words of enactment omitted]

PART I
PRELIMINARY

Short title and commencement

1 This Act may be cited as the Bermuda National Parks Act 1986 and shall come into operation on such date as the Minister may appoint by notice published in the Gazette.

Interpretation

2 In this Act, unless the context otherwise requires—

“authorized officer” means a police officer, park ranger, park warden, conservation officer or other officer of the Department, and such other persons as may be authorized in writing by the Minister to carry out this Act or any regulations made thereunder;

“camping or to camp” means erecting a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking a motor vehicle, or mooring a vessel, for the purpose of remaining overnight;

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“Commission” means the National Parks Commission established under section 9;

“court” means a court of summary jurisdiction;

“Department” means the Department of Parks;

“Director” means the Director of the Department;

“management plan” means a management plan prepared by the Director pursuant to section 11;

“marine area” includes tidal waters and tidal lands and the subsoil beneath such tidal lands and coastal waters;

“marine products” includes all forms of marine plants and animals, artifacts or handicrafts or traces thereof, wrecks, relics, or traces thereof, and all other material comprising tidal land within the marine area;

“Minister” means the Minister responsible for parks;

“National Parks Plan” means a National Parks Plan prepared for the National Parks System pursuant to section 8(2)(a);

“nature reserve” means a protected area which is managed to protect and preserve its special or fragile natural features and which provides limited public access;

“open space” means any public park, public garden, public beach, or any land owned, or held on lease or agreement by the Government which is used for purposes of educational, social or recreational pursuits or lies unoccupied;

“peripheral area” means an area outside but immediately adjacent to the outer boundaries of a protected area;

“protected area” means any area of land or water or both land and water specified in the First or Second Schedule and declared to be a protected area pursuant to section 3(2) or (3);

“the System” means the National Parks System of Bermuda established pursuant to section 3(1);

“vehicle” means any thing by means of which a person or thing might be conveyed from one place to another on land.

[Section 2 “Department” amended by 2000:20 Sch para 8(1) effective 26 June 2000; “Minister” deleted and substituted by BR 5/2011 para.5 effective 25 February 2011]

PART II

THE NATIONAL PARKS SYSTEM

Establishment of National Parks System

3 (1) There is established a National Parks System which shall comprise such areas of land or water or both land and water as may from time to time be specified in the First or Second Schedule as protected areas in accordance with this Act.

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(2) The areas of land or water or both land and water specified in the First Schedule being owned by the Government are declared to be protected areas within the System and each such area shall be managed and administered so as to protect, maintain and enhance the natural or historic purposes for which it was specified in accordance with its classification in the said Schedule and its management plan.

(3) The areas of land or water or both land and water specified in the Second Schedule being privately owned are declared to be protected areas within the System and each such area shall be managed and administered in accordance with its classification in the said Schedule and any agreement made under section 6(1).

(4) Subject to section 4, the Minister may by notice published in the Gazette amend the First Schedule by adding thereto or deleting therefrom any area specified therein as a protected area; and such notice is subject to the affirmative resolution procedure.

(5) The Minister shall cause a map of each area specified in the First and Second Schedules to be prepared and shall cause notice of the preparation thereof, and of the places where copies thereof may be inspected at reasonable hours to be notified in the Gazette,

Notification

4 (1) The Minister shall by notice published in the Gazette announce any proposal for—

- (a) the construction of any road or building, the change of use or the change of boundary with respect to any existing protected area;
- (b) any amendment to the First Schedule,

and shall give opportunity for and shall take into account public comments before acting on the proposal.

(2) A notice under subsection (1) shall specify the nature of and the reason for the proposed action, and the time within which and manner by which public comments will be received.

Objectives of protected areas

5 (1) A protected area specified in the First or Second Schedule shall have one or more of the following objectives—

- (a) to safeguard and maintain plants and animals as well as geological, marine and other natural features or products, and fragile ecosystems of national or international significance where strict protection is required and human use is generally limited to scientific research and educational purposes in order to protect and preserve these special or fragile natural resources;
- (b) to provide for the use of the area in its natural state with a minimum of commercial and mechanized activity;
- (c) to provide open space;
- (d) to protect and maintain historic monuments and buildings (including forts), marine products, sites of particular historic, archaeological, or

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aesthetic value and to so manage them so as to protect them from deterioration, and to provide public enjoyment, research and educational opportunities.

Private areas

6 (1) Any area of land or water or both land and water, other than an area owned by the Government, which meets one or more of the objectives for protected areas under section 5 may become part of the System by agreement between the Minister and the owner of the area, and the Minister shall thereafter by notice published in the Gazette include the area in the Second Schedule.

(2) Any agreement made pursuant to subsection (1) between the Minister and the owner of an area for inclusion of the area in the System shall—

- (a) specify the management, administrative, financial, and enforcement responsibilities of the Minister and the owner of the area to ensure furtherance of the objectives for which the area is included in the System;
- (b) identify what regulations shall apply to the area;
- (c) designate responsibility for the preparation of a management plan for the area;
- (d) specify such other measures as are considered necessary and appropriate, in the opinion of either party, to ensure furtherance of the objectives for which the area is protected under this Act.

(3) Subject to the agreement, the Minister may at any time by notice published in the Gazette delete from the Second Schedule any area included therein if either party has given the requisite notice specified in the agreement to the other party, and any agreement between the Minister and the owner regarding the inclusion of those areas in the System shall thereupon cease to have effect:

Provided that in the case of any such deletion any agreement for financial compensation shall have immediate effect.

(4) A notice under this section is subject to the negative resolution procedure.

PART III ADMINISTRATION

Administration

7 Subject to this Act and to the general direction and control of the Minister, the administration of this Act shall be the responsibility of the Director.

Functions of Director

8 (1) The Director shall, subject to such directions as the Minister may from time to time give to him, undertake the administration and management of protected areas.

- (2) Without prejudice to the generality of subsection (1), the Director shall—
- (a) prepare and keep under review a National Parks Plan for the System which shall contain a statement of general policies and objectives for the System, and shall include information on the priorities and needs concerning acquisition, development, management and research of lands for protected areas;
 - (aa) be responsible for the cleaning and maintenance of the protected areas;
 - (b) promote and assist with the development and carrying out of training, educational and information exchange programmes in respect of protected areas;
 - (c) encourage and oversee any scientific research undertaken in a protected area and promote scientific exchange with international organizations and experts on matters related to protected areas;
 - (d) subject to section 6(2)(c), prepare a management plan for each protected area;
 - (e) undertake all other matters necessary to ensure the proper implementation of the provisions of this Act and any regulations and management plans made thereunder or pursuant thereto.

(3) The Director may, subject to such conditions as he may specify, delegate any of his functions under this Act or the regulations to any officer of the Department.

[Section 8(2)(aa) inserted by 2000:20 Sch para 8(2) effective 26 June 2000]

Establishment of Commission

9 (1) There is established a body to be called the National Parks Commission which shall, subject to any general directions of the Minister, have the powers conferred and discharge the functions imposed upon it by this Act.

(2) The Third Schedule shall have effect with respect to the constitution, members and proceedings of the Commission and otherwise in relation thereto.

Functions of Commission

10 (1) Subject to this Act, the primary function of the Commission shall be to advise the Minister on matters affecting the long-term conservation and management of the System.

(2) Without prejudice to the generality of subsection (1), the functions of the Commission shall include—

- (a) the periodic review of the National Parks Plan and providing advice and comments thereon as needed, in the opinion of the Commission, to ensure that the Plan is current and responsive to the policies and objectives of this Act;

- (b) making recommendations to the Minister regarding any matter affecting protected areas within the scope of its functions, including recommendations on areas of priority for acquisition as protected areas and on amendments to the First Schedule;
- (c) advising the Minister on any proposal to change the boundaries, use, classification or any other aspect of an existing protected area, including the making of recommendations as to whether such change enhances or diminishes the conservation policies and objectives for the area;
- (d) reviewing any draft or final management plan for a protected area specified in the First Schedule, and making recommendations to the Minister as to the adequacy of any such plan;
- (e) undertaking activities to promote public awareness and education in matters relating to protected areas through seminars, public events, publications and other appropriate means;
- (f) co-ordinating and exchanging information on protected areas and related matters within government and non-government organizations;
- (g) establishing sub-committees and other formal and informal arrangements with other bodies, to use such expertise and services as may be available to enable the Commission to perform its functions under this Act;
- (h) exercising such other functions and powers as may be conferred upon it by this Act or any regulations made thereunder.

PART IV
MANAGEMENT

Requirement for management plan

11 (1) For each protected area a management plan shall be prepared by the Director and be in effect within five years from the date the area is declared a protected area under this Act.

(2) A management plan may provide that a protected area shall consist of one or more classes or zones to which different uses and purposes apply.

(3) A management plan shall serve as a guide for all activities related to the management and administration of the protected area so that the purposes for which the area was established are met and maintained, and such plan shall be developed to the level of detail and need appropriate for the area and may be amended from time to time as the circumstances require.

(4) The Director shall, where appropriate, consult with other departments or agencies of the Government or any private interest or scientific body, on the design and implementation of the management plan for each protected area, and ensure that any activity being planned or under consideration by any other authority or body in the vicinity of the protected area is taken into account.

Content of management plan

12 (1) A management plan shall be so designed as to ensure that the protected area to which it applies is managed in such manner as to achieve the objectives set out in section 5(1).

(2) Subject to sections 5 and 6, a management plan shall contain a description of—

- (a) the long-term goals and purposes of the protected area and the problems that must be considered in order to achieve those goals and purposes;
- (b) the boundaries and existing natural or historic features of—
 - (i) the area as a whole;
 - (ii) any classes or zones within the area;
 - (iii) any peripheral areas or roadside verges or both which will require special attention in order to safeguard the purposes of the protected area;
- (c) the management, administrative, scientific and support needs required to accomplish the goals and purposes of the protected area;
- (d) the kinds of activities that will be regulated or prohibited within the protected area or within particular zones of the protected area;
- (e) such other information as may be necessary to satisfy the requirements of this Act.

Approval and update of plan

13 (1) A management plan for a protected area specified in the First Schedule shall be prepared in draft form by the Director in consultation with the Commission, and members of the public and other bodies and persons affected by the plan shall be informed by notice published in the Gazette that the draft plan is available for review and comment according to the manner specified in the notice.

(2) The Director shall, after giving due consideration to any comments received, re-submit the plan to the Commission for its consideration and shall take into account the comments of the Commission before submitting the final plan to the Minister for his approval.

(3) The Minister shall, by Government Notice published in the Gazette, notify members of the public of the date when every management plan takes effect.

(4) At least once every ten years every such plan shall be reviewed and revised if necessary to reflect new information and changing conditions and shall be approved in accordance with the procedures specified in this section.

[Section 13(3) substituted by 1991:24 effective 19 June 1991]

Existing conditions protected until plan in effect

14 Until a management plan required under this Act is in effect for a protected area, management of the area shall be undertaken in such a manner as to ensure protection of the natural or historic features that existed at the time of its declaration as a protected area, and no change of use that may in the opinion of the Minister diminish the natural environment or historic features shall be allowed.

PART V

REGULATED ACTIVITIES

Authority to regulate

15 (1) Any activity undertaken within a protected area shall be consistent with the purposes of the protected area and the provisions of its management plan and, where necessary, activities may be regulated or prohibited by the Minister to ensure that the objectives and purposes of the protected area and provisions of the management plan are complied with.

(2) Any regulations made under this Act to regulate prohibit activities in a protected area shall take into account that different protected areas or protected area zones may have purposes and management needs requiring varying methods of control.

(3) Any regulations made under this Act concerning the conduct of individuals or groups within a protected area shall apply also within any building and on any road in the protected area and may apply, when so specified, to roadside verges.

(4) The Minister may, after consultation with the Commission, grant a written permit, on such terms and subject to such conditions as he may consider necessary, authorizing an activity which would otherwise be prohibited in that protected area where such activity is in the overriding public interest.

ENFORCEMENT AND LEGAL PROCEEDINGS

Cancellation or suspension of permits

16 (1) Where the holder of a permit issued under this Act is charged with a contravention of this Act or any regulations made thereunder the permit shall be suspended until final determination of the charge.

(2) If upon the trial of the charge the holder of the permit is convicted thereof the permit shall, ipso facto, be cancelled, but if he is acquitted the suspension referred to in subsection (1) shall thereupon terminate and the permit shall continue to run in accordance with its terms.

(3) The holder of the permit shall, in any case referred to in this section, deliver up to the Director the permit to be held by the Director pending the outcome of the trial.

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Environmental damage an offence

17 Any person who conducts an activity within a protected area which causes or is likely to cause damage to the environment of the protected area commits an offence against this Act.

Powers of authorized officers

- 18 (1) An authorized officer may, without a warrant—
- (a) require to be produced, examine and take copies of any permit or other document required under this Act;
 - (b) require to be produced and examine any thing being used in connection with an activity within a protected area;
 - (c) require to be given to him the name and address of any person, who such authorized officer has reasonable grounds for believing may be involved in the commission of an offence against this Act or any regulations made thereunder.
- (2) Where an authorized officer has reasonable grounds for believing that an offence has been committed against this Act he may, without a warrant—
- (i) enter and search any land, building (except one used exclusively as a dwelling house), tent or structure of any kind within a protected area in which he has reason to believe that evidence of the commission of such offence is to be found;
 - (ii) in any place within a protected area stop, detain, and search any vehicle or vessel which appears to have been used or is being used in the commission of an offence against this Act or any regulations made thereunder;
 - (iii) seize any vehicle, vessel, weapon, or thing within a protected area in connection with which an offence appears to have been committed against this Act or any regulations made thereunder, or any plant or animal or any thing whatsoever which he has reason to believe is being possessed within a protected area in contravention of this Act, and the authorized officer shall give to the person in possession of such vehicle, vessel, weapon, animal, plant or thing a receipt for the thing seized;
 - (iv) within a protected area, arrest any person whom he reasonably suspects of having committed an offence against this Act.
- (3) In order to facilitate the exercise of his powers under this section an authorized officer may obtain from the appropriate Department or agency of Government information on any vehicle or vessel suspected of being involved in the commission of an offence.

Obstructing and abetting

19 Any person who unlawfully obstructs or aids and abets any other person in obstructing an authorized officer in the exercise of his duties under this Act commits an offence against this Act.

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Burden of proof

20 Where a person is accused of possessing any thing for the possession of which a permit is required then such possession shall be prima facie evidence against the accused that he possessed that thing in contravention of this Act, and the burden of proof shall be on him to prove the contrary.

Forfeitures

21 (1) Subject to subsection (2), any thing seized by all authorized officer pursuant to section 18, shall, upon conviction of the accused, be liable to be forfeited to the Crown and may be disposed of as the court directs.

(2) Any thing seized pursuant to section 18 which is part of a natural resource of a protected area shall become the property of the Crown, and the Director shall dispose of any such thing that may be perishable and cannot be preserved and the proceeds of such disposal shall be held by the Director pending final disposition by the court.

(3) Where any thing is seized and the person charged does not appear to answer the charge laid against him then after sixty days the thing seized shall be forfeited to the Crown and may be disposed of as the court directs.

Protection of actions of officers

22 (1) Any authorized officer, when acting in performance of his duties under this Act, shall wear or carry and produce, upon request, identification that he is an authorized officer under this Act.

(2) No action, suit, prosecution or other proceedings shall be brought or instituted against an authorized officer in respect of any act done bona fide in pursuance or execution or intended execution of this Act.

GENERAL

Duty to minimize harmful effects of outside activities

23 Where effects harmful to the environment of a protected area may in the opinion of the Minister occur from activities taking place in a peripheral area the Minister shall endeavour to reach agreement with the person responsible for the activity so as to minimize the harmful effects, and where any agreement is reached any violation of such agreement shall be an offence against this Act.

Leases to be approved by Minister

24 Notwithstanding anything contained in any Act to the contrary, any lease, licence or other authorization issued by the Government or a Department thereof for the construction or alteration of roads or rights-of-way, for the construction or alteration of buildings, for the alteration of land or for the undertaking of commercial, recreational, agricultural or residential or other activities in a protected area shall have the prior written approval of the Minister.

Power to make regulations

25 (1) Subject to this Act, the Minister may make regulations for administering this Act and for giving effect to its objects and intentions, and without prejudice to the generality of the foregoing, may make regulations for—

- (a) ensuring the proper use, management, administration and protection of protected areas and the natural and historic resources within such areas;
- (b) controlling the conduct of individuals in a protected area so as to protect the natural and historic resources of the area and safeguard the safety, health and well-being of persons lawfully using protected areas;
- (c) controlling the camping by persons in protected areas;
- (d) controlling the taking into and use of animals in protected areas for any purpose;
- (e) prescribing the procedures for application and issuance of permits for activities in and use of protected areas;
- (f) prescribing fees under the Government Fees Act 1965 [*title 15 item 18*] for the issuance of a permit;
- (g) setting seasonal periods for certain uses of and activities in protected areas and establishing opening and closing hours for public use of protected areas;
- (h) controlling commercial activities and soliciting for any purpose whatsoever within protected areas;
- (i) disposing of abandoned vehicles, vessels or things left in protected areas;
- (j) regulating traffic, and undertaking other measures necessary to control vehicular traffic (including parking) in protected areas;
- (k) prescribing the measures specified in a management plan for a protected area specified in the First Schedule and, subject to section 6, for a protected area specified in the Second Schedule;
- (l) controlling the dumping of refuse and waste in a protected area;
- (m) controlling the use of water within a protected area;
- (n) controlling the use of fire in a protected area;
- (o) controlling quarrying activities in a protected area;
- (p) the use and occupation of land within a protected area;
- (q) providing for such other measures as may be required to ensure furtherance of the objectives of protected areas;

(2) Regulations made under this Act shall be subject to the negative resolution procedure.

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Offences

26 (1) Any person who contravenes a provision of this Act or any regulations made thereunder commits an offence against this Act.

(2) Any person who in a protected area—

(a) fails to do that which he is directed to do or required to do by an authorized officer; or

(b) does that which he is forbidden to do by an authorized officer,

commits an offence against this Act.

Trial of offences

27 Offences against this Act shall be prosecuted before a court of summary jurisdiction.

Punishment of offences

28 (1) Where a person commits an offence against this Act or any regulations made thereunder:

Punishment on summary conviction: in respect of each offence imprisonment for 3 months or a fine of \$1,000 or both such imprisonment and fine and, in the case of a second or subsequent conviction imprisonment for 6 months or a fine of \$2,000 or both such imprisonment and fine; and in the case of a continuing offence a further fine of \$200 for every day during which the offence continues.

(2) A person found guilty of an offence against this Act or any regulations made thereunder may, if there has been damage done to a protected area and the court thinks fit, be ordered to pay, in addition to any penalty for which he is liable for the offence, a sum not exceeding the cost of the damage done to the protected area, as assessed by the court.

Provision as to daily penalties

29 Where provision is made by or under this Act for the imposition of a daily penalty in respect of a continuing offence after conviction, the court by which a person is convicted of the original offence may specify a reasonable period from the date of conviction within which the defendant is to comply with any directions given by the court; and, where a court has specified such a period, no daily penalty shall be imposed in respect of any day before the expiration of the period.

Persons entitled to bring proceedings

30 (1) Proceedings in respect of an offence against this Act shall not, without the written consent of the Director of Public Prosecutions, be instituted by any person other than an authorized officer or by the Minister.

(2) A prosecution for an offence against this Act may be conducted before a court by any officer of the Department duty authorized by the Minister in that behalf.

[Section 30 subsection (1) amended by 1999:8 s.2 & Sch 1 effective 1 April 1999]

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Consequential

31 *[omitted]*

Savings

32 (1) Nothing in this Act shall derogate from the provisions of the Agriculture Act 1930 [*title 25 item 1*] and anything done under and by virtue of that Act shall continue in force as if this Act had not been passed.

(2) Nothing in this Act or any regulations made thereunder shall derogate from the provisions of the Wreck and Salvage Act 1959 [*title 22 item 5*], the Marine Board Act 1962 [*title 22 item 3*] and the Fisheries Act 1972 [*title 25 item 8*] or any regulations made thereunder, but, in the event of any conflict between this Act and any of those Acts, the provisions of any of those Acts or regulations shall prevail.

(3) *[omitted][spent]*

FIRST SCHEDULE

(Section 3)

CLASS A—PROTECTED AREAS

NATURE RESERVES

The following areas are hereby declared Class A protected areas and shall be managed to protect special or fragile natural features and provide limited public access.

Map No.

1	Daniel's Island	Nature Reserve	Sandy's
2	Evans Pond	Nature Reserve	Southampton
3	Godet's Island	Nature Reserve	Warwick
3	Godet's Rock	Nature Reserve	Warwick
4	Hungry Bay	Nature Reserve	Paget
5	Pembroke Marsh	Nature Reserve	Pembroke
6	Spittal Pond	Nature Reserve (Government owned section)	Smith's
6A	Spittal Pond	Nature Reserve	Smith's
7	Winterhaven	Nature Reserve	Smith's
7A	Summerhaven	Nature Reserve	Smith's
8	Shelly Bay	Nature Reserve	Hamilton Parish
9	Lovers Lane	Nature Reserve	St. George's
10A)	Castle Harbour		
10B)	Islands	Nature Reserve	St. George's
10C)	(All Islets)		
11	Walsingham	Marine Reserve	Hamilton and St. George's Parish

CLASS B—PROTECTED AREAS

PARKS

The following areas are hereby declared Class B protected areas and shall be managed in a manner to encourage conservation and enjoyment of the natural, historic and educational features of these areas with a minimum of commercial activity.

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11	Mangrove Bay Park	Sandy's
12	Daniel's Head Beach Park	Sandy's
12	Daniel's Head Park (entrance to Bascombes Farm on Waterfront)	Sandy's
13	Somerset Long Bay Park	Sandy's
13A	Virginia Park	Sandy's
14	Scaur Hill Fort Park	Sandy's
15	Hog Bay Park	Sandy's
15A	Hog Bay Park	Sandy's
16	West Whale Bay Park	Southampton
16A	Barnes Corner Park	Southampton
17	Church Bay Park	Southampton
18	Gibbs Hill Lighthouse Park	Southampton
18A	Gibbs Hill Lighthouse Additional Park Land	Southampton
	19A)	
	19B) South Shore Park	Southampton and Warwick
20	Astwood Park	Warwick
21	Burt Island Park	Warwick
22	Nelly Island Park	Warwick
23	Warwick Ridge Park	Warwick
24	Elbow Beach Park	Paget
25	Gilbert Park	Paget
26	Crow Lane Park	Paget
27	Botanical Gardens	Paget
28	Spanish Point Park (including Cobbler Island Beek Rock)	Pembroke
29	Admiralty House Park	Pembroke
30	Tulo Valley Nursery	Pembroke
30	Mill Creek Park	Pembroke
31	The Arboretum	Devonshire

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32	Happy Valley Park	Devonshire
33	Avocado Lodge Park	Devonshire
33A	Avocado Lodge Park	Devonshire and Pembroke Parishes
34	Friendship Vale Park	Devonshire
35	Orange Valley Park	Devonshire
36	Garthowen Park	Devonshire
37	Devonshire Bay Park	Devonshire
38	Devon Springs Park	Devonshire
39	Robinson Bay Park	Devonshire
39	Palmetto Park	Devonshire
40	Penhurst Park	Smith's
41	Watch Hill Park	Smith's
41	John Smith's Bay Park	Smith's
41A	John Smith's Bay park	Smith's
42	Shelly Bay Beach Park	Hamilton Parish
43	Burchall Cove Park	Hamilton Parish
44	Crawl Waterfront Park	Hamilton Parish
44A	Abbot's Cliff Park	Hamilton Parish
45	Wilkinson Memorial Park	Hamilton Parish
45	Ducks Puddle Park	Hamilton Parish
45A	Ducks Puddle Park - Annex	Hamilton Parish
46	Blue Hole Hill Park	Hamilton Parish
47	Coney Island Park	St. George's
48A)		
48B)	Ferry Point Park	St. George's
49A)	Kindley Park (Long Bird	
49B)	Bridge - Stokes Harbour)	St. George's
49C)		
50	Rocky Hill Park	St. George's
50	Mullett Bay Park	St. George's

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51	Tobacco Bay Park (Government Owned Portion)	St. George's
51	Achilles Bay Park	St. George's
52	Gates Fort Park	St. George's
52	Alexandra Battery Park	St. George's
53	Higgs Island Park	St. George's
53	Horseshoe Island Park	St. George's
54	Hen Island Park	St. George's
54	Peggy's Island Park	St. George's
55	Paget Island Park	St. George's
56	Smiths Island Park	St. George's
57	Governors Island Park	St. George's
57	Breman Island Park (off Vaughans Bay)	St. George's
57	Little Head Park (Vaughans Bay - Red Hole)	St. George's
58	Great Head Park	St. George's
58A	Great Head Park	St. George's
59	St. Davids Lighthouse Park	St. George's
60	Great Bay Park	St. George's
61	Railway Trail	All Parishes

[First Schedule amended by BR 35/1991 effective 12 July 1991; by BR 29/1992 effective 3 July 1992; and by BR48/2001 and BR49/2001 both effective 7 Sept 2001 - map numbers and names as shown in those BRs - maps omitted; text of land descriptions omitted.

See also BR50/2001; BR 51/2001; BR25/2004]

SECOND SCHEDULE

(Section 3)

AGREEMENT PROTECTED AREAS

THIRD SCHEDULE

(Section 9)

CONSTITUTION AND OTHER PROVISIONS
RELATING TO THE COMMISSION

Constitution of the Commission

- 1 The Commission shall consist of 12 members of whom—
- (a) the Director, and the Assistant Director, Parks shall be ex officio members;
 - (b) ten members shall be appointed by the Minister as follows:
 - (i) one member from the Bermuda National Trust;
 - (ii) one member from the Bermuda Audubon Society;
 - (iii) one member from the Bermuda Maritime Museum Association;
 - (iv) one member from the Bermuda Zoological Society;
 - (v) two members with expertise in matters related to environmental protection and conservation of natural or historical resources;
 - (vi) two members of the general public who may be considered by the Minister to have a sufficient interest in historical, environmental and conservation matters;
 - (vii) two members representative of users of the System.

[Paragraph 1(a) amended by 1991:24 effective 19 June 1991]

Appointment of chairman and vice-chairman

- 2 The Minister shall appoint a chairman and a vice-chairman from among the members other than the ex officio members.

Tenure of office

- 3 A member, other than an ex officio member, shall hold office at the Minister's pleasure and, unless his appointment is sooner terminated, it shall terminate one year from the date on which it took effect. Such member shall, however, be eligible for re-appointment.

Temporary appointment

- 4 In the case of absence or inability of any member to act the Minister may appoint a person to act temporarily in his place.

Resignation

5 (1) Any member, other than an ex officio member, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of receipt by the Minister of such instrument such member shall cease to be a member. The chairman may likewise resign his office by instrument addressed to the Minister.

(2) A member, other than an ex officio member, shall be deemed to have vacated his seat as a member if in the opinion of the Commission he is absent from four consecutive meetings without reasonable cause.

Removal of member

6 The Minister may at any time revoke the appointment of any member other than the ex officio members if he considers it expedient to do so.

Effect of vacancy on the Commission

7 The Commission shall be deemed to be properly constituted notwithstanding that there is a vacancy in the office of chairman or any other member.

Procedure on meetings

8 (1) The Commission shall meet at such times and on such days as may be necessary or expedient for the transaction of its business.

(2) Minutes of each meeting of the Commission shall be kept in proper form.

(3) The chairman may at any time call a meeting of the Commission and shall call a meeting to be held within five days of a written request for that purpose addressed to him by any four members.

(4) The chairman shall preside at all meetings of the Commission at which he is present and, in the case of the chairman's absence from any meeting, the vice-chairman shall preside and in the absence of both the chairman and the vice-chairman the members present and constituting a quorum shall elect a chairman from among their number to preside at that meeting.

(5) Subject to sub-paragraph (4) the decisions of the Commission shall be by a majority vote.

(6) A quorum of the Commission shall be seven.

(7) Subject to this Schedule the Commission may regulate its own proceedings.

(8) The validity of any proceedings of the Commission shall not be affected by any defect in the appointment of a member.

Committees

9 (1) The Commission may appoint from among its members such committees as it may think fit and may delegate to any such committee the power and authority to carry out on its behalf such duties as the Commission may consider necessary.

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(2) The constitution of each such committee shall be determined by the Commission.

Office of member not public office

10 The office of chairman, vice-chairman or member of the Commission shall not, by virtue of this Act alone, be a public office.

Validity of decision of Commission

11 No decision or act of the Commission or act done under the authority of the Commission shall be invalid by reason of the fact that—

- (a) the full number of members for which provision is made in paragraph 1 of this Schedule was not appointed or there was a vacancy or vacancies amongst such members; or
- (b) a disqualified person acted as member of the Commission at the time the decision was taken or the act was done or authorized,

if the decision was taken or the act was done or authorized by a majority vote of the persons who at the time were entitled to act as members.

[This Act was brought into operation on 23 January 1987 by BR 1/1987]

[Assent Date: 23 December 1986]

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