

DECLASSIFICATION AS DOMAINE PUBLIC (PROVIDENCE LAGOON) ACT, 2023

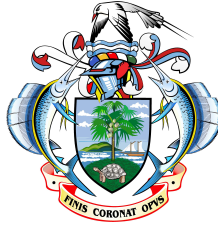
(Act 17 of 2023)

ARRANGEMENT OF SECTIONS

Sections

1. Short title and commencement
2. Interpretation
3. Purpose of the Act
4. Declassification of the specified area as *domaine public*
5. Declaration of the specified area as a protected area
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SCHEDULES



DECLASSIFICATION AS DOMAINE PUBLIC (PROVIDENCE LAGOON) ACT, 2023

(Act 17 of 2023)



I assent

A handwritten signature in black ink, appearing to read "Wavel".

Wavel Ramkalawan
President

12th October, 2023

AN ACT TO DECLASSIFY AN AREA THAT IS CURRENTLY *DOMAINE PUBLIC*, TO DECLARE THE DECLASSIFIED AREA AS A PROTECTED AREA, TO ALLOW THE MINISTER TO ENTER INTO AGREEMENTS WITH PERSONS OR ENTITIES, OR PUBLIC BODIES, TO ALLOW THE EXCLUSIVE RIGHT OF USE OF THE DECLASSIFIED AREA, AND TO PROVIDE FOR OTHER RELATED MATTERS.

ENACTED by the President and the National Assembly.

Short title and commencement

1. This Act may be cited as the Declassification of Domaine Public (Providence Lagoon) Act, 2023 and shall come into operation on such date as the Minister may, by notice published in the Gazette appoint.

Interpretation

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

“Minister” means the Minister responsible for the environment;

“protected area” means an area in respect of which it is necessary or expedient in the public interest to put in place special restrictions to prevent the entry of unauthorised persons; and

“specified area” means the area of the water and the seabed delineated by the coordinates set out in the First Schedule, and specified in the Second Schedule.

Purpose of the Act

3. The purpose of this Act is —

- (a) to declassify the specified area as *domaine public*;
- (b) to declare the specified area as a protected area; and
- (c) to make provision for the entering into by the Minister of an exclusive rights agreement in relation to the specified area.

Declassification of the specified area as *domaine public*

4. The specified area shall cease to be part of the *domaine public*.

Declaration of the specified area as a protected area

5.(1) The specified area shall be a protected area.

(2) Except for those persons authorised in writing by the Minister, no person shall enter the specified area without the permission of the Minister, or of the prescribed authority.

(3) Any person who is granted permission to be in the specified area pursuant to subsection (2) shall, while acting under such permission, comply

with such directions for regulating his or her conduct as may be given by the Minister or the prescribed authority.

(4) Where a person is granted permission to be in the specified area by the prescribed authority, that person shall, while acting under such permission, comply with such directions for regulating his or her conduct as may be given by the prescribed authority.

(5) For the purposes of this section, “prescribed authority” under this Act means the Minister or the person, entity or public body that is in possession, custody and control of the specified area under the exclusive rights agreement.

Exclusive rights agreement

6.(1) The Minister may enter into an exclusive rights agreement in relation to the specified area.

(2) The exclusive rights agreement entered into under subsection (1) shall provide exclusive rights of use in favour of any person, entity or public body over the specified area for the period of time specified in the agreement and in respect of any of the activities specified in the agreement.

Offences and penalties

7.(1) A person who is in the specified area contrary to the provisions of section 5 or fails to comply with any regulations made in relation to this act, commits an offence and shall on conviction be liable to a fine of level 2 on the standard scale or to imprisonment not exceeding two years or both.

(2) Any person who wilfully and unlawfully removes, destroys, damages, alters or defaces a warning notice erected at or near the site of the specified area commits an offence and shall on conviction be liable to a fine of level 1 on the standard scale or to imprisonment not exceeding one year or both.

(3) An offence under this Act shall be a cognizable offence within the meaning and for the purposes of the Criminal Procedure Code (Cap. 54)

Regulations

8. The Minister may make regulations —
- (a) to prescribe all matters which are required by this Act to be prescribed, or which are necessary or expedient to be prescribed for giving effect to this Act; and
 - (b) to amend the Schedules.

SCHEDULES
FIRST SCHEDULE

(Section 2)

Specified area

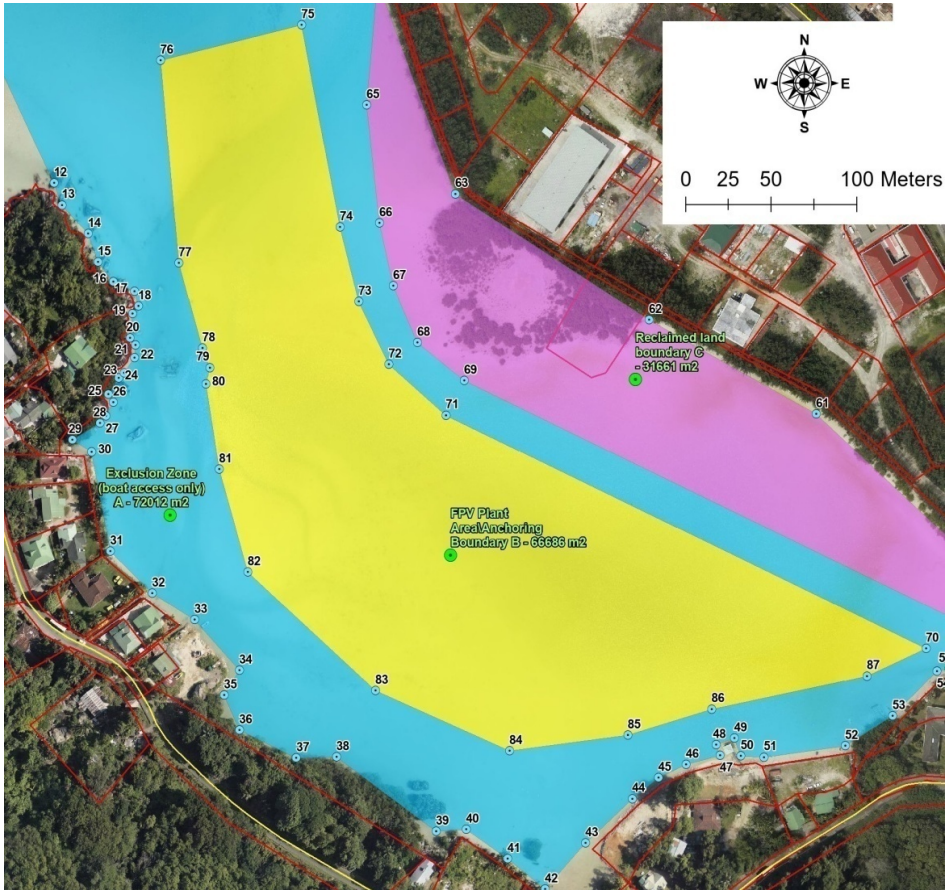
The specified area is the area of water and seabed with the following coordinates

| Geographic Coordinate System: World Geodetic System 1984 (WGS 84) Datum: WGS 84 All Coordinates in Decimal Degrees | | |
|--|------------------|-----------------|
| POINT | LONGITUDE | LATITUDE |
| 70 | 55.48520745620 | -4.65546337743 |
| 71 | 55.48268078120 | -4.65425963038 |
| 72 | 55.48237949570 | -4.65399784762 |
| 73 | 55.48222268180 | -4.65367315819 |
| 74 | 55.48212492550 | -4.65329073408 |
| 75 | 55.48192469060 | -4.65225157015 |
| 76 | 55.48118161490 | -4.65243121963 |
| 77 | 55.48127642600 | -4.65347314627 |
| 78 | 55.48139848290 | -4.65391172225 |
| 79 | 55.48143933100 | -4.65401193280 |
| 80 | 55.48141660960 | -4.65409769395 |
| 81 | 55.48148676390 | -4.65453392270 |
| 82 | 55.48163532740 | -4.65506264493 |
| 83 | 55.48230752930 | -4.65567342309 |
| 84 | 55.48301195740 | -4.65598588174 |
| 85 | 55.48363570380 | -4.65590649769 |
| 86 | 55.48407619000 | -4.65577287192 |
| 87 | 55.48489456220 | -4.65560524818 |

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SECOND SCHEDULE

(Section 2)



I certify that this is a correct copy of the Bill which was passed by the National Assembly on 4th October, 2023.

Mrs. Tania Isaac
Clerk to the National Assembly