

## **OBJECTS AND REASONS**

This Bill would

- (a) repeal and replace the *Coastal Zone Management Act, Cap. 394*;
- (b) increase the ambit and focus of the Coastal Zone Management Unit to incorporate disaster risk management, as it relates to the coasts and coastal resources of Barbados;
- (c) provide for the more effective management, protection and conservation of the coastal and marine areas and resources of Barbados in light of climate change and environmental changes; and
- (d) provide for holistic integrated coastal and marine management through effective mechanisms, including area-based management tools, designation of marine managed areas and through integrated coastal zone management processes and marine spatial planning processes, and would provide for matters related thereto.

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## **BARBADOS**

A Bill entitled

An Act to

- (a) repeal and replace the *Coastal Zone Management Act, Cap. 394*;
- (b) increase the ambit and focus of the Coastal Zone Management Unit to incorporate disaster risk management, as it relates to the coasts and coastal resources of Barbados;

- (c) provide for the more effective management, protection and conservation of the coastal and marine areas and resources of Barbados in light of climate change and environmental changes;
- (d) provide for holistic integrated coastal and marine management through effective mechanisms, including area-based management tools, designation of marine managed areas and through integrated coastal zone management processes and marine spatial planning processes; and
- (e) provide for matters related thereto.

ENACTED by the Parliament of Barbados as follows:

## PART I

### PRELIMINARY

#### **Short title**

**1.** This Act may be cited as the *Integrated Coastal and Marine Management Act, 2025*.

#### **Interpretation**

**2.** In this Act,

“artificial reef” means any natural or man-made structure placed in or on a body of water typically built to promote marine life in areas with a generally featureless bottom to serve as shelter and habitat, source of food, breeding areas for fishery species and contribute to shoreline protection;

“accretion” means the natural and gradual increase of land due to the accumulation of soil, sand and rocks deposited by water action;

“avulsion” means a sudden and violent shift in a watercourse, resulting in significant land loss;



“alluvion” means the slow increase of land area, whether by artificial or natural processes due to accumulation of soil, clay or other material on the sea-shore;

“Barbados Coast Guard” means the Barbados Coast Guard established by the *Defence Act*, Cap. 159;

“beach” means the entire area associated with the shoreline, composed of unconsolidated materials, typically sand, pebbles, coral rubble and beach rock, that extends landwards from the high-water mark to the area where there is a marked change in material or natural physiographic form or as applied to the east coast and some southeast coast beach locations to a distance of 500 metres landward from the mean high water mark, whichever is the lesser distance;

“beach rock” means formerly unconsolidated materials of the area associated with the shoreline which have been naturally cemented into rock;

“berm” means a nearly horizontal beach or back shore parallel ridge formed due to the landward transport of the beach material by wave uprush and includes the steep ridge slope which faces the sea and is the transition point from the dry beach area to the foreshore;

“breakwater” means any structure, constructed or otherwise, whether attached to the shore or otherwise, that

(a) is parallel to or at an angle to the shore;

(b) is continuous or segmented; or

(c) protrudes above the surface of the water or is submerged

protecting the shoreline or a beach, harbour, anchorage or basin from the action of waves or trapping sand or sediment;

“climate change adaptation” means an adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities;

“coastal resources” means the land, water, minerals and nodules found on or under the seabed and living resources associated with the shoreline, water column, and marine areas of Barbados, including beaches, shorecliffs, seascapes and other resources of aesthetic value, coral reefs, coral rubble, algal beds, seagrass beds, sand dunes, mangroves, other wetlands and other ecosystems found along the shore together with the flora and fauna found in these areas;

“coastal area” or “coastal zone”

- (a) means an area of land and adjacent ocean space (including water and submerged land) extending to the EEZ limits of Barbados in which terrestrial processes and uses directly affect oceanic processes and uses, and in which coastal and marine processes and uses directly affect terrestrial processes and uses; and
- (b) includes areas within a landmark limit of one kilometre from the shoreline at high tide, mangrove swamps, maritime forests, brackish water, ponds, wetlands, marshlands, estuarine rivers, sandy beaches and other areas with a seaward limit up to the limits of Barbados’ 200 nautical mile EEZ, and coastal cliffs, wave-cut platforms, sedimentary bluffs and slopes, sand dunes, coral reefs, algal flats, seagrass beds and other soft-bottom areas;

“coastal protection notice” means a notice described as such and issued in accordance with this Act;

“coastal zone inspector” or “inspector” means a public officer designated as a coastal zone inspector by the Minister under section 9(1);

“Coastal Zone Management Unit” or “Unit” means the department of the government specified in the *First Schedule in Public Service (General) Order, 2020* (S.I. 2020 No. 41);

“coral” means a colony of

- (a) tiny animal polyps with a skeleton of rigid calcium carbonate that may appear very much like a hard rock; or

(b) polyps with a more flexible skeleton of calcium carbonate blended with protein that may appear like a waving fan, pen, soft rod or mass;

“coral nursery” means a frame, module, mat, rope, artificial tree-shaped structure, reef ball or patch of groyne, breakwater, natural substrate, laboratory or other approved substrate upon which coral recruits naturally or upon which coral fragments are attached in order to grow them to a size to which they can be transplanted;

“coral reef” means an underwater biological community of flora and fauna and their physical environment characterized by reef-building and soft corals, or a ridge of rock in the sea formed by the growth or deposition of coral;

“coral sample collection location” means a marine location that has been inspected and approved by the Coastal Zone Management Unit as a location where coral fragments or coral samples may be collected by approved authorized personnel for the purpose of coral research or the population of a coral nursery;

“Designated Marine Area or “DMA” means an area designated by the Minister under section 21;

“development” means the carrying out of building, engineering, mining or other operations in, on, over or under any land or submerged land, the making of any material change in the use of any buildings, or other land or the subdivision of land, or submerged land;

“Director” means the post of Director in the Unit established in accordance with the *Public Service Act*, Cap. 29;

“disaster risk management” means the systematic process that integrates risk identification, prevention, mitigation and transfer, as well as disaster preparedness, emergency response and rehabilitation or reconstruction to lessen the impacts of hazards;

“fauna” means any animal or part thereof which is common to the coast, beach, coastal, territorial or oceanic waters such as coral, fish, shell fish, turtle,

shark, dolphin, mantaray, stingray, sea snake, mollusc, crustacean, sponge, echinoderm, or other marine animal as well as its young and eggs;

“fish” means an aquatic animal, whether piscine or not, such as shell fish, turtle, shark, dolphin, mantaray, stingray, sea snake, mollusc, crustacean, coral, sponge, echinoderm, as well as their young and eggs or any part of such animal, its young or eggs;

“flora” means any part of a plant which grows on the beach, coast or ocean waters including seaweeds, algae, sea grasses, mangroves, beach ground cover plants, cacti, shrubs, trees as well any other plant or grass which grow in this coastal region;

“foreshore land” means a strip of land margining a body of water, the part of a seashore between the low-water line usually at the seaward margin of a low tide terrace and upper limit of a wave wash at high tide usually marked by a beach scarp or berm;

“former Act” means the *Coastal Zone Management Act*, Cap. 394;

“General Manager” means the General Manager of the Marine Managed Areas (MMAs) Unit;

“groyne” means any barrier or boulders or other materials which are attached to the shore or extend in any direction across the foreshore as a means of trapping and retaining sand or sediment on the beach;

“habitat” means the natural home or environment of an animal, plant or other organism;

“high water mark” means the line of the highest run up of waves, which is defined by the limit of the wave run up of the high tides nearest to the first or last quarter of the lunar month occurring on the third or fourth day before or after the day of a full moon determined as specified by section 156;

“integrated coastal zone management” means a resource management system that integrates all relevant policy areas, sectors, and levels of administration

and an interactive planning process in addressing management issues in the coastal zone;

“interpretive centre” means a marine area that consists of artistic, educational and information installations, art works, sculptures or displays of underwater objects;

“low water mark ” means the line of exposed land at the coast of Barbados at mean low water spring tide;

“marine area”

(a) means the submarine area within the territorial waters and EEZ of Barbados; and

(b) includes any adjoining land, body of water or swamp area that forms a single ecological entity with a submarine area referred to in paragraph (a);

“Marine Managed Areas Unit” or “MMA Unit” means the Marine Managed Areas Unit of the Coastal Zone Management Unit;

“marine park” means

(a) a park consisting of an area of sea and beach or coast protected for recreational use; or

(b) a park to preserve a specific coastal resource and ensure the ecosystem is sustained for the organisms that exist there;

“Police Service” means the Barbados Police Service established under the *Police Act*, Cap. 167 and the *Constitution*;

“prohibited area” means a coastal area designated as such in an order made under section 20;

“receiver of wreck” means a receiver of wreck appointed under section 267 of the *Shipping Act*, Cap. 296 and section 216 of the *Shipping (Domestic Vessels) Act, 2024* (Act 2024-22);

“restricted area” means a coastal area designated as such in an order made under section 20;

“seagrasses” means any of various submerged plants including eelgrass, tape grass, and turtle grass of usually shallow coastal waters that have narrow grass-like leaves and often form dense underwater meadows;

“sensitive coastal area” means a region with high ecological, socio-economic or scientific value that is particularly vulnerable to damage or loss from human activities, requiring special protection;

“waters of Barbados” means the waters of the Exclusive Economic Zone, the territorial waters and internal waters of Barbados, as defined in the *Barbados Territorial Waters Act*, Cap. 386, and any other waters over which Barbados has jurisdiction;

“wreck” means sunken boats, ships and derelicts abandoned by their owners found within the territorial waters of Barbados and are not in the custody of the receiver of wrecks.

### **Act binds the State**

3. This Act binds the State.

### **Administration of Act**

4. The Coastal Zone Unit, in consultation with the Minister, shall administer this Act.

### **Functions of the Minister**

5.(1) The functions of the Minister are to

- (a) develop and implement policies or procedures to enforce the purposes of the Act, to encourage and ensure the protection and sustainable use of the coast or coastal resources and, where required, issue guidelines for the public use;

- (b) do all things necessary for the purpose of carrying out his functions under the Act;
  - (c) ensure efficiency and transparency in the administration of this Act;
  - (d) develop, implement and enforce the integrated coastal zone management plan;
  - (e) assist the Department of Emergency Management in developing a coastal hazard management plan for the coastal zones in Barbados as part of the coastal zone management plan;
  - (f) develop policies, procedures and guidelines for coastal zone management areas or designated marine areas to ensure the protection, preservation and sustainable use of coastal resources of Barbados;
  - (g) develop policies, procedures and guidelines for climate change adaptation for the coastal zone;
  - (h) develop policies for enhancement of coastal zone management areas; and
  - (i) develop enforcement procedures in relation to the inspection of premises that are operated by a person in order to ensure compliance with the provisions of this Act or the regulations.
- (2) The Minister shall, with respect to development of coastal lands and in advising Cabinet in respect of the use and development of the land in the coastal zone management area, consider the coastal zone management plan.

## PART II

### ADMINISTRATION

#### **Establishment of the Coastal Zone Management Unit**

- 6.(1)** The Coastal Zone Management Unit, in this Act referred to as “the Unit”, is established.
- (2) The Director shall be the head of the Coastal Zone Management Unit.
- (3) The Unit shall have regulatory oversight over the Marine Managed Areas Unit, Marine Spatial Planning Unit and any other Unit established for the purposes of carrying out the functions of this Act.
- (4) The Unit shall be assisted by such staff as is required for the purposes of carrying out the provisions of this Act.

#### **Functions of the Unit**

- 7.(1)** The functions of the Unit are to
- (a) assist the Minister with
- (i) the protection and management for the coastal zone, beaches, marine areas and related matters;
  - (ii) marine renewable energy affairs;
  - (iii) matters related to seawater desalination;
  - (iv) blue carbon management;
  - (v) matters related to coastal and marine tourism;
  - (vi) coastal and marine spatial planning;
  - (vii) matters related to marine natural and cultural heritage protection;
  - (viii) seabed mining;



- (ix) the management and regulatory oversight of any other matters occurring within the coastal and marine zone; and
    - (x) the implementation of the Integrated Coastal Zone Management Plan and Policy;
  - (b) promote integrated coastal zone management
    - (i) within each sphere of government;
    - (ii) between different spheres of government; and
    - (iii) between organs of state and other parties concerned with coastal management; and
  - (c) promote the integration of coastal management concerns and objectives into
    - (i) those environmental implementation plans and environmental management plans referred to in the national development strategies to which they are relevant;
    - (ii) national development policies, plans and strategies; and
    - (iii) other plans, programmes and policies of other departments and ministries whose activities may cause adverse effect on the coastal and marine environment.
- (2) In performing the functions specified in subsection (1), the Unit shall
- (a) formulate standards and prescribe codes of practice for the internal use of the Unit;
  - (b) facilitate or conduct scientific research in respect of beaches, coastal processes, coastal ecosystems, the coastal zone or marine areas and where applicable, apply the results of such research in the development of these areas for the benefit of Barbados;

- (c) do all such things as the Unit considers necessary or expedient for the purpose of carrying out the functions of the Coastal Zone Management Unit; and
- (d) do all such things as the Unit considers necessary or expedient for the purpose of enforcing or administering this Act.

### **Functions of the Director**

**8.(1)** The functions of the Director are to

- (a) coordinate, manage and administer the functions of the Unit;
- (b) assign personnel as may be necessary to ensure effective implementation of this Act;
- (c) assist in the development and implementation of a coastal hazard management plan for the coastal zone of Barbados as part of the coastal zone management plan and contribute such information to the Director, Emergency Services of the Department of Emergency Management as may be required;
- (d) be subject to such directions whether of a special or general character in relation to the policy or procedures with respect to enforcing the Act or policy generally as the Minister gives in writing on any matter that affects coastal resources or the public interest of Barbados, and the Director shall give effect to such directions;
- (e) advise Ministers, Boards, Commissions and other statutory authorities on such matters as the Minister may require with respect to coastal zone management under this Act or on related coastal matters;
- (f) attend public consultations convened in accordance with the *First Schedule*;
- (g) prepare or cause to be prepared an integrated coastal zone management plan in accordance with this Act;

- (h) collect, collate and include information relating to coasts and coastal zone management in Barbados and where required establish and maintain an electronic database with that information;
- (i) provide for the distribution of educational material and the conduct of training programmes in relation to the use of coastal zones and marine areas in Barbados;
- (j) review documents submitted in support of applications under the *Planning and Development Act, 2019* (Act 2019-5) and submit recommendations to the Planning Office;
- (k) require coastal studies or other research where required to do so by the Minister for the purposes of this Act;
- (l) review documents submitted in support of applications or bids for contracts in respect of shoreline stabilization works or other works in coastal areas, ensure site inspections, coordinate the verification of submitted documents with relevant Ministries and other agencies and facilitate an environmental impact assessment or other studies, where required;
- (m) make recommendations or give advice to the Minister or the Director of Planning and Development, as may be required by the *Planning and Development Act, 2019* (Act 2019-5);
- (n) with the approval of the Minister, establish
  - (i) marine parks in a Designated Marine Area; or
  - (ii) artistic installations, art works or displays of underwater objects;
- (o) manage and control the marine parks and Interpretive Centres established under this Act;
- (p) carry out inspections for the purposes of detecting contraventions of this Act and initiating protective action with respect thereto;

- (q) issue such notices, certificates and other statutory documents as are directed by the Minister or authorized by this Act;
- (r) provide the Minister with such data, reports and other information concerning the performance of the Unit's duties as the Minister may from time to time require;
- (s) perform such other functions assigned to the Director under this Act or any other enactment;
- (t) enforce the coastal zone management related powers under any Act affecting the conservation and management of coastal resources;
- (u) ensure that any person who is required to exercise any coastal zone management related powers under any Act affecting the conservation and management of coastal resources shall first consult the Director; and
- (v) perform such other functions as may be assigned to the Director by the Minister in writing or under this Act.

(2) The obligation to consult under subsection (1)(u) in respect of a particular matter does not apply where the Director has waived the right to be consulted under subsection (3) in respect of that matter.

(3) The Director may, with the approval of the Minister, waive the right to be consulted and any such waiver shall take effect when the Minister gives notice of the waiver by order published in the *Official Gazette*.

(4) A waiver under subsection (3) may relate to the exercise of any of the powers with which the Director is charged including the exercise of a power in a specific instance.

### **Coastal Zone Inspector and the Barbados Coast Guard**

9.(1) The Minister may designate such number of public officers as the Minister thinks fit to be coastal zone inspectors for the purposes of this Act.

- (2) In the discharge of the Director's functions under this Act, the Director shall be assisted by coastal zone inspectors.
- (3) The Barbados Coast Guard shall exercise the powers granted by the section 208 of the *Defence Act*, Cap. 159 in circumstances where the Barbados Coast Guard deems necessary to exercise such powers to protect the coast and costal waters of Barbados.
- (3) The Director may in accordance with section 9(2) of the *Defence Act*, Cap. 159 seek the assistance of the Barbados Coast Guard where he deems it necessary for the management of coast and coastal waters and the Barbados Coast Guard shall assist when called upon to do so.

#### **Powers of Coastal Zone Inspector**

- 10.(1)** A coastal zone inspector, for the purposes of this Act, shall have the power to
- (a) patrol or monitor coastal zone management areas, designated marine areas or other coastal zones;
  - (b) enter and search any place or premises where the inspector reasonably believes infringement of the provisions of this Act or any Act that affects coastal zone management has occurred or is likely to occur;
  - (c) enter and search any place or premises where the inspector reasonably believes that evidence of infringement of the provisions of this Act or any Act that affects coastal zone management will be found;
  - (d) stop and search any vehicle or vessel in relation to which the inspector reasonably believes infringement of the provisions of this Act or any Act that affects coastal zone management has occurred or is likely to occur;
  - (e) require the production of any document which the inspector reasonably believes contains information relevant to an infringement, which the inspector reasonably believes has occurred or is imminent, and that affects the protection of the coastal zone;

- (f) prepare and serve on individuals, institutes or developers, coastal zone protection notices;
  - (g) require the production of any document required to be kept under the provisions of this Act or any Act that affects coastal zone management;
  - (h) require the production of any document which the inspector reasonably believes contains information relevant to
    - (i) ensuring compliance with the provisions of this Act or the Regulations; or
    - (ii) determining an infringement of the provisions of this Act or the Regulations;
  - (i) make reasonable inquiries of any person, whether orally or in writing with respect to a place, premises, vehicle or vessel; and
  - (k) exercise any other power related to inspection or investigation granted under the Regulations.
- (2) An inspector shall, when performing functions under this Act, produce the inspectors identification card.
- (3) A power under paragraph (a) or (b) of subsection (1) shall not be exercised in relation to a dwelling house except by an order of the Court.
- (4) The Director shall have all the powers of a coastal zone inspector.
- (5) For the purposes of paragraph (1), “search” includes taking samples of substances for the purpose of analysis, taking copies of documents, taking photographs and taking videos or voice recordings and the power to seize any coral, fish or other coastal resources.

### **Order by Magistrates**

**11.(1)** Where a magistrate is satisfied, on evidence on oath by a coastal zone inspector, that it is necessary for the coastal zone inspector to exercise a power under section 10(1) in relation to a dwelling house, the magistrate may issue an

order authorising the coastal zone inspector to exercise any power under section 10(1) and specify in the order a period of time for such inspection.

(2) Where a magistrate is satisfied, on evidence on oath by a coastal zone inspector that

- (a) an existing order be exercised in relation to a dwelling house was not effected due to administrative delays or other internal matters; or
- (b) the inspector was not able effectively to carry out the inspector's duties under section 10(1) in accordance with the order because
  - (i) no occupier is present to grant access to a place, premises, vehicle or vessel that is locked or is otherwise inaccessible;
  - (ii) a person has prevented the inspector from exercising a power under section 10(1); or
  - (iii) there was reasonable ground for the coastal zone inspector to believe that to exercise a power under that section might otherwise defeat the purpose thereof or endanger human life, human health, property or the environmental quality of the coastal zone

the magistrate may issue a further order or renew an existing order authorizing the inspector to exercise any power under that section that is specified in the order for a further period of time.

(3) An order made under this section expires 30 days after the date on which it is made unless renewed for any reason mentioned in subsection (2) before expiration of the order.

(4) An order made under this section shall be carried out at any reasonable time unless the order authorizes otherwise.

(5) An order made under this section may be issued or renewed on application notwithstanding that no notice of the application is given to a person who may be affected thereby.

PART III

COASTAL ZONE MANAGEMENT PLAN

**Management plan and zoned areas**

- 12.** The Director shall prepare for the approval of the Minister
- (a) an integrated coastal zone management or an amendment to an integrated coastal zone management plan;
  - (b) a description of an area to be delimited, demarcated or designated as a coastal zone management area or an amendment to a description of an area to be delimited, demarcated or designated as a coastal zone management area; or
  - (c) a description of an area to be delimited, demarcated or designated as a designated marine area or an amendment to a description of an area to be delimited , demarcated or designated as a designated marine area.

**Content of Management Plan**

- 13.(1)** The coastal zone management plan shall
- (a) include policies, strategies and standards for the development and maintenance of structures in the coastal zone management area or the proposed coastal zone management area;
  - (b) include standards for environmental impact assessment for development which may affect the conservation and management of coastal resources;
  - (c) include standards for water quality in coastal and marine areas to effect the maintenance, rehabilitation and enhancement of coastal and marine habitats;
  - (d) make provisions for public access to the beach and other natural areas of the coastal zone;



- (e) make any area in a coastal zone marine area, a marine designated area;
- (f) include standards for activities such as beach rock removal, coral rubble removal, coral reef management and restoration, installation of coral nursery, artificial reef or breakwater, removal of seagrass, removal of flora and fauna for purposes of the aquarium trade, offshore sand mining, dredging, use of explosives and chemicals, use of vehicles on beaches, and the movement and the anchoring of vessels;
- (g) standards for the management of marine parks and designated marine areas;
- (h) provisions designating any areas of the beach as a prohibited area for the purpose of removing vegetation, sand stones, shingle or gravel;
- (i) recognition of social and cultural values of the coastal zone;
- (j) promotion of sustainable land use planning decision-making;
- (k) recognition of the coastal zone as a vital economic zone in support of sustainable coastal economies;
- (l) plans and strategies to
  - (i) mitigate current and future risks from coastal hazards, taking into account the effects of climate change; and
  - (ii) improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events;
- (m) co-ordination of the policies and activities of government and public authorities relating to the coastal zone and the facilitation of the integration of their management activities;
- (n) provisions for participation of all concerned persons in decision making with respect to coastal management and planning, the development and administration of the plan, and including greater

public awareness and outreach, education and understanding of coastal processes and management actions; and

- (o) provisions to deal with emerging issues including plans and strategies for
  - (i) coastal transportation services and associated jetties;
  - (ii) over water bungalows and other buildings;
  - (iii) carrying capacity of beaches;
  - (iv) water parks;
  - (v) inflatable structures;
  - (vi) economic evaluation of the beaches; and
  - (vii) other *ad hoc* emerging issues which may arise.

(2) The Director may include such maps and other descriptive or diagrammatic material in the coastal zone management plan as may be necessary to illustrate any coastal area or any strategy, policy, standard or designation in the plan with particularity.

### **Public consultation**

**14.(1)** The Minister shall cause a public consultation to be held in accordance with the provisions of *First Schedule* where

- (a) the coastal management plan;
- (b) a description of an area to be delimited, demarcated or designated as a coastal zone management area; or
- (c) a description of an area to be delimited, demarcated or designated as a designated marine area

is submitted to the Minister by the Director under section 12.

(2) The Minister shall ensure that the information with respect to the matters referred to in subsection (1) is disseminated to the public to ensure that the public

is sufficiently informed of the public interest concerns and the likely social or economic implications of the matter.

(4) The Minister may at a public consultation consider a single matter contained in subsection (1) or address multiple matters from subsection (1), as the Minister considers appropriate for the public consultation.

#### **Revision from public consultation**

**15.(1)** The Director shall submit to the Minister a summary of the comments or concerns from the public consultation as well as such analysis or recommendations as the Director considers appropriate with respect to the coastal management plan, the description of the coastal zone management area or the description of the designated marine area.

(2) The Director shall make such revisions to the coastal zone management plan or a description of the coastal zone management area or special marine area as the Minister may require and submit the revised coastal zone management plan or the description of the coastal zone management area or designated marine area to the Minister.

(3) The Minister may subject the revised coastal zone management plan or the description of the coastal zone management area or designated marine area to another public consultation in accordance with the provision of the *First Schedule*.

(4) The Minister, after consultation with the Director, shall determine when there has been sufficient public consultation and that no further consultation is required on a coastal zone management plan, the description of the coastal zone management area or designated marine area, and the Minister shall publish a notice to the that effect in the *Official Gazette*.

#### **Approval by Minister**

**16.(1)** The Minister may approve the

(a) coastal zone management plan;

- (b) description of the coastal zone management area; or
- (c) description of the special marine area

submitted under section 12(1) without modifications or subject to such modifications as the Minister considers necessary.

(2) Where the Minister has approved the coastal zone management plan pursuant to subsection (1)(a) the Minister shall publish the coastal zone management plan in the *Official Gazette* .

(3) A person may purchase a copy of the coastal zone management plan from the Director on the payment of the prescribed fee.

(4) The Coastal Zone Management Unit may make the Coastal Zone Management Plan available free in electronic format on the Unit's website.

### **Implementation of the Management Plan**

**17.(1)** The Director shall implement the coastal zone management plan in such manner as the Minister may require.

(2) Subject to subsection (3), any person who

- (a) exercises or performs a function under any enactment; or
- (b) performs or intends to perform any action for commercial gain, business, scientific research, entertainment or any other purpose

which will affect the coastal resources of Barbados or the conservation and management of coastal resources of Barbados, shall have regard to the coastal zone management plan and the provisions of this Act.

(3) To the extent that the coastal zone management plan and any fisheries scheme set up under the *Sustainable Fisheries Management and Development Act, 2025* both apply to the living resources of the coastal zone outside a coastal zone management area or designated marine area which is a restricted or prohibited area, and in the case of any conflict between the scheme and the coastal zone management plan, the scheme shall prevail.

(4) Notwithstanding the provisions of this Act, the coastal zone management plan shall not be construed as authorising any development that is not permitted under the *Planning and Development Act, 2019* (Act 2019-5) or any other enactment.

### **Review and amendment of plan**

**18.(1)** The Minister may, on the advice of the Director, require a review of the coastal zone management plan as the Minister considers necessary, and that plan shall be reviewed at least once every 10 years from the date of its approval.

(2) At least once in every 5 years after the date on which the Coastal Zone Management Plan first comes into effect, the Director shall conduct a full review after the Plan and submit a report of the review of the coastal zone management plan to the Minister with such recommendations as the Director considers necessary.

(3) The Director may prepare for the approval of the Minister

- (a) amendments to the coastal zone management plan; or
- (b) a new coastal zone management plan.

(4) Any amendment to the coastal management plan shall be submitted to public consultation in accordance with the *First Schedule*.

### **Amendment of description**

**19.(1)** The Minister may require a review of the description of a coastal zone management area or special marine area as he considers necessary, and the description of a coastal zone management area or special marine area shall at least be reviewed once every 10 years from the date of the order made in accordance with section 20.

(2) The Director shall submit a report of the review of the description of a coastal zone management area or designated marine area to the Minister with such recommendations as the Director considers necessary.

- (3) The Director may prepare for the approval of the Minister
  - (a) amendments to the description of a coastal zone management area or designated marine area; or
  - (b) a new description of a coastal zone management area or designated marine area.
- (4) Any amendment to the Coastal Management Plan or designated marine area shall be submitted to public consultation in accordance with the *First Schedule*.

**Coastal zone management area**

- 20.(1)** The Minister may by order
  - (a) prescribe the boundaries and description of any coastal zone management area;
  - (b) prescribe, if necessary, that the coastal zone management area is to be either a designated area, restricted area or a prohibited area;
  - (c) prescribe the activities which are permitted in the coastal zone management area; and
  - (d) prescribe such permits as may be required as well as fees for the application for permits and fees for the issue of permits and prescribe fees for the use of or activities in a coastal zone management area.
- (2) An order made under subsection (1) shall include the boundaries or description of the coastal zone management area approved in accordance with this Act.
- (3) The Minister may in respect of a coastal zone management area prescribe such permits as may be required as well as fees for the application for permits and the issue of permits and prescribe fees for the use of or activities in a coastal zone management area.

- (4) An order made under subsection (1) shall be published in the *Official Gazette*, and a copy thereof shall be displayed in a conspicuous place in the coastal zone management area.
- (5) The Minister may amend, vary or revoke an order made under subsection (1).

### **Designated Marine Area**

**21.(1)** The Minister may by order delimit, demarcate or designate a coastal or marine area of Barbados as a designated marine area where he considers it necessary for the

- (a) preservation or enhancement of the natural beauty of the areas;
- (b) protection or rehabilitation of the flora and fauna found in the areas;
- (c) protection of wrecks and other items of archaeological and historical interest found in the areas;
- (d) promotion of the enjoyment by the public of the areas;
- (e) protection of human health;
- (f) designation of any area in special marine area as a prohibited area;
- (g) protection and restoration of coral reefs, seagrass beds, mangroves, beaches, sand dunes and other marine areas;
- (h) promotion of fishery habitat rehabilitation;
- (i) promotion of mariculture;
- (j) promotion of marine renewable energy;
- (k) implementation of marine scientific research;
- (l) creation of marine habitats;
- (m) promotion of scientific education;
- (n) protection of national conservation interest;

- (o) identification of restricted, prohibited or protected areas; and
  - (p) protection of unique seascapes and coastal landscapes.
- (2) An order made under subsection (1) shall include the boundaries or description of the coastal zone management area approved in accordance with this Act and prescribe the activities permissible in a designated marine area.
- (3) An order made under subsection (1) may designate a designated marine area to be a restricted area or a prohibited area.
- (4) The Minister may in respect of a designated marine area prescribe such permits as may be required as well as fees for the application for permits and the issue of permits and prescribe fees for the use of or activities in a designated marine area.
- (5) An order made under subsection (1) shall be published in the *Official Gazette*, and a copy thereof shall be displayed in a conspicuous place in the special marine area.
- (6) The Minister may amend, vary or revoke an order made under subsection (1).

### **Land acquisition**

**22.** Any land required for use in connection with the development or delimiting of a coastal zone management area or special marine area may be acquired by

- (a) private treaty; or
- (b) the State in accordance with the provisions of the *Land Acquisition Act*, Cap. 228.



## PART IV

## PERMITS

**Permits**

**23.(1)** A person who wishes to

- (a) harvest coral;
- (b) transplant of coral;
- (c) import or export coral for research;
- (d) use a restricted area or prohibited area;
- (e) collect or breed any item listed at paragraphs (a) to (e) for the aquarium trade;
- (f) develop and install an approved coral reef nursery; or
- (g) develop and install an approved coastal habitat research area

shall apply to the Minister for a permit.

(2) A permit issued under subsection (1) shall be subject to such conditions as the Director considers necessary for the protection of the coastal or marine resources and their habitats and only be issued for any of the following:

- (a) scientific study and research;
- (b) preservation or restoration of coral reefs, seagrass beds, and mangroves or other coastal ecosystems;
- (c) creation of artificial reefs; or
- (d) the aquarium trade.

(3) The Minister shall prescribe the form of application and the fees to be paid for the issue of permits under subsection (1).

- (4) The Minister may suspend or revoke any permit
  - (a) for contravention of any term or condition of the permit; or
  - (b) where the Minister is advised by the Director that the suspension or revocation is necessary for the protection of the environment.
- (5) A permit issued under subsection (1) shall be valid for one year from the date of issue and is renewable on payment of the prescribed fee.
- (6) A person who engages in any of the activities referred to in paragraphs (a) to (g) of subsection (1) without a permit is guilty of an offence and liable to a fine of \$250 000 or to imprisonment for 2 years or to both.

**Coral or other organisms not to be taken**

- 24.(1)** No person shall take coral organisms in the course of coastal or marine related research except with the prior written permission of the Director and subject to such conditions as the Director may impose.
- (2) A person who contravenes the conditions referred to in subsection (1) is guilty of an offence and liable to a fine of \$250 000 or to imprisonment for 2 years or to both.

**Coastal or marine related research**

- 25.(1)** No person whether local or foreign or any organization or government agency shall undertake coastal or marine related research or survey operations or conduct activities that are likely to impact coastal habitats and activities, except with the prior written permission of the Minister.
- (2) A person who contravenes subsection (1) is guilty of an offence and is liable on conviction on indictment to a fine of \$500 000 or to imprisonment for 5 years or to both.

**Suspension or revocation of permit**

- 26.(1)** The Minister may suspend or revoke any permit where
- (a) the holder of the permit fails to comply with any term or condition of the permit;
  - (b) the holder of the permit is in breach of any duty or obligation imposed by this Act;
  - (c) fraudulent or misleading information was provided in relation to the application for the permit; or
  - (d) the Minister is advised by the Director that the suspension or revocation is necessary for the protection of the environment.
- (2) Where the Minister suspends or revokes a permit, the aggrieved person may, within 21 days of the receipt of the revocation, appeal against this decision to a Judge in Chambers.

**PART V****PROTECTION OF COASTAL RESOURCES****Coastal public property**

- 27.** Coastal public property consists of
- (a) coastal waters; and
  - (b) land submerged by coastal waters, including
    - (i) land flooded by coastal waters which subsequently becomes part of the bed of coastal waters; and
    - (ii) the substrata beneath such land;

- (c) any island, whether natural or artificial, within coastal waters, except
  - (i) any part of an island that was lawfully alienated before the commencement of this Act; or
  - (ii) any part of an artificially created island (other than the seashore of that island)

that is declared by the Minister to be excluded from coastal public property;

- (d) any artificial reef or breakwater placed on the sea floor;
- (e) the seashore;
- (f) any portion of a coastal cliff;
- (g) any admiralty reserve owned by the State;
- (h) any state-owned land declared to be coastal public property; or
- (i) any natural resources on or in
  - (i) any coastal public property of a category mentioned in paragraphs (a) to (g);
  - (ii) the exclusive economic zone, or in the continental shelf; or
  - (iii) any harbour, work or other installation or in any coastal public property of a category mentioned in paragraphs (a) to (g) that is owned by an organ of state.

### **Extending coastal public property**

**28.(1)** The Minister may, by notice published in the *Official Gazette*, declare any state-owned land to be coastal public property in order

- (a) to improve public access to the seashore;
- (b) to protect sensitive coastal ecosystems;
- (c) to secure the natural functioning of dynamic coastal processes;
- (d) to facilitate the achievement of any of the objects of this Act; or

- (e) to protect people, property and economic activities from risks arising from dynamic coastal processes, including the risk of sea-level rise.
- (2) Before declaring state-owned land to be coastal public property pursuant to subsection (1), the Minister shall
  - (a) consult with interested and affected parties; and
  - (b) obtain the concurrence of the Minister responsible for Housing and Lands.
- (3) A declaration made by the Minister under subsection (1) may be withdrawn by the Minister by notice published in the *Official Gazette* with the prior approval of Parliament.

#### **State public trustee of coastal public property**

**29.** The State shall ensure that coastal public property is used, managed, protected, conserved and enhanced in the interests of the public.

#### **Access to coastal public property**

- 30.(1)** Subject to this Act and any other enactment, every person has a right to coastal public property and to use such property.
- (2) Notwithstanding subsection (1), the access to or use of coastal public property may be prohibited or restricted
    - (a) where it is part of a protected area or harbour;
    - (b) to protect the environment, including biodiversity; or
    - (c) in the national interest.
  - (3) No fee may be charged for access to coastal public property without the approval of the Minister.
  - (4) The Minister shall, before granting approval for the imposition of a fee for the use of coastal public property require a public consultation process to enable interested parties to make representations.

(5) Subsections (3) and (4) do not apply to coastal public property that the state has leased to a private person.

**Coastal protection zone**

- 31.(1)** Subject to subsection (2), the coastal protection zone consists of
- (a) land falling within a sensitive coastal area within which unauthorized activities shall not take place;
  - (b) any part of the littoral active zone that is not coastal public property;
  - (c) any coastal protection area or part of such area which is not coastal public property;
  - (d) any land unit situated wholly or partially within one kilometre of the high water mark which at the commencement of this Act
    - (i) was zoned for agricultural or other use; or
    - (ii) was not zoned and was not part of an urban area or other human settlement;
  - (e) any land unit not referred to in paragraph (d) that is situated wholly or partially within 200 metres of the high water mark;
  - (f) any coastal wetland, lake, lagoon, watercourse or dam which is situated wholly or partially within a land unit referred to in paragraph (d)(i) or (e);
  - (g) any part of the seashore which is not coastal public property;
  - (h) any admiralty reserve which is not coastal public property; or
  - (i) any land that would be inundated by a disastrous flood or storm event.
- (2) An area forming part of the coastal protection zone except an area referred to in paragraph (f), (g) or (h) may be excised from the coastal protection zone in terms of adjustment to coastal boundaries.

### **Purpose of coastal protection zone**

**32.** The purpose of the coastal protection zone is to enable the management and regulation of the coastal ecosystem in order to

- (a) protect the ecological integrity, natural character and the economic, social and aesthetic value of coastal public property;
- (b) avoid increasing the effect or severity of natural hazards in the coastal zone;
- (c) protect people, property and economic activities from risks arising from dynamic coastal processes including the risk of sea level rise;
- (d) maintain the natural functioning of the littoral active zone;
- (e) maintain the productive capacity of the coastal zone by protecting the ecological integrity of the coastal environment; and
- (f) make land near the seashore available to organs of state and other authorized persons for
  - (i) performing necessary security surveillance patrols;
  - (ii) performing rescue operations;
  - (iii) temporarily depositing objects and materials washed up by the sea or tidal waters.

### **Management of designated marine areas**

**33.(1)** The Minister may, by notice in the *Official Gazette* appoint a manager for each designated marine area.

- (2) The manager shall manage the designated marine area in a manner that will achieve the objectives for which it was established.
- (3) The manager may be
  - (a) an individual,

- (b) an organ of state; or
  - (c) a juristic person constituted for the purpose.
- (3) The Minister may make regulations
- (a) specifying the duties and powers of the manager; and
  - (b) prescribing the rules to enable the manager to achieve the objectives for which the designated marine area was declared.

### **Temporary occupation of land within coastal zone**

**34.(1)** Subject to the *Land Acquisition Act*, Cap. 228, the Minister may, in consultation with the Minister with responsibility for Lands direct that land within the coastal zone be temporarily occupied to build, maintain or repair works to implement a coastal management programme, perform shoreline for coastal engineering structure repair or to respond to pollution incidents or emergency situations and may for this purpose

- (a) take from the land stone, gravel, sand, earth or other material;
  - (b) deposit materials on it; and
  - (c) construct and use temporary works on it, including roads, causeways and boulder type construction platforms.
- (2) If the land referred to in subsection (1) is private property, the Minister in consultation with the Minister with responsibility for Lands, shall before the land is occupied, give the occupier and the owner of the land reasonable notice, in writing, of the intention to occupy and the purpose of the occupation.

### **Discharge of effluent into coastal waters**

**35.(1)** Subject to this Act and the *Marine Pollution Control Act*, Cap. 392A, no person shall discharge effluent, including coastal groundwater, that originates from a source on land into coastal waters.

- (2) The Minister with responsibility for the Environmental Protection Department may by notice in the *Official Gazette* authorize persons in general or



a category of persons to discharge effluent, including coastal ground water, into coastal waters and may in an emergency discharge effluent into an estuary or wetland after consultation with the Minister responsible for coastal zone management.

(3) Notwithstanding subsection (2), any person who wishes to discharge effluent, including coastal ground water, into coastal waters contrary to the provisions of that subsection shall apply to the Environmental Protection Department for a coastal waters discharge permit.

(4) The Minister may not grant a permit pursuant to subsection (3) where the discharge of effluent is likely

- (a) to cause irreversible or long-lasting adverse effects that cannot satisfactorily be mitigated;
- (b) to prejudice significantly the achievement of any coastal management objective contained in the integrated coastal zone management plan; or
- (c) to be contrary to the interests of the community.

### **Repair or removal of structures within coastal zone**

**36.(1)** The Director may write a request to the Ministry with responsibility for planning and development for the issuing of a notice requiring the removal or repair of any buildings or structures within the coastal zone if that building or structure

- (a) is having or is likely to have an adverse effect on the coastal environment by virtue of its existence because of its condition or because it has been abandoned;
- (b) has been erected, constructed or upgraded in contravention of *Planning and Development Act, 2019* (Act 2019-5);
- (c) has been erected, constructed or upgraded on state lands without the permission of the Ministry responsible for Housing and Lands; or

- (d) has been erected, constructed or upgraded in contravention of this Act or any other law.
- (2) Before exercising a power to issue a notice under subsection (1), the Director shall
- (a) consult with the Director of Planning and Development; and
  - (b) allow the person to whom a notice is issued under subsection (1) to make representations.
- (3) A notice issued under subsection (1)
- (a) shall state
    - (i) the reasons for the notice; and
    - (ii) that the person to whom it is addressed may appeal against the notice; and
  - (b) may instruct the person responsible for the structure
    - (i) to remove the structure from the coastal zone or place where it is situate within a specified period;
    - (ii) to rehabilitate the site and as far as is reasonable, to restore it to its natural state;
    - (iii) to repair the structure to the satisfaction of the Minister responsible for Planning and Development within the time stated in the notice; or
    - (iv) to take any other appropriate steps in terms of this Act or any other applicable legislation to secure the removal or repair of the structure.
- (4) If the identity of the person responsible for a structure referred to in subsection (1) cannot be ascertained, the Minister may
- (a) publish the notice referred to in subsection (3) in the *Official Gazette* and a daily newspaper in general circulation in Barbados; and

- (b) post or affix the notice in a prominent place on the building or structure to which it applies.

### **Fixed penalty**

**37.(1)** Notwithstanding section 23, the Director may, where he considers it in the public interest, serve a Coastal Zone Protection Notice on a person granted a permit where he has reasonable cause to believe that the person granted the permit has

- (a) harvested or taken any coral, fish, fauna or other coastal resource in a manner that was contrary to the permit;
- (b) used an explosive, poison or other noxious substance to harvest coral or catch, take or harvest fish or fauna;
- (c) permitted any explosive, poison or other noxious substance to be used to harvest coral or catch, take or harvest fish or fauna;
- (d) released or caused to be released any pollutant into the environment;
- (e) except in an emergency, cast, dragged or dropped any anchor in such a way as to damage any coral reef;
- (f) caused physical damage to any coral reef, fish, fauna or other coastal resource; or
- (g) has breached the terms of conditions of a permit

in a coastal zone management area or a special marine area which is designated as a restricted area or a prohibited area.

(2) The Director may only issue a Coastal Zone Protection Notice where a coastal zone inspector, Coast Guard or other authorised officer has copies of documents, photographs, videos or voice recordings, or seized coral, fish or other coastal resources as well as the name and contact information of the person who committed the infringement specified in subsection (1).

- (3) A Coastal Zone Protection Notice in the form set out in the *Second Schedule*, offering the person an opportunity of discharging any liability that would arise out of a conviction for an offence by payment of a fixed penalty in the amount set out in the *Second Schedule* shall be served personally on the person alleged to have committed the infringement.
- (4) A Coastal Zone Protection Notice referred to in subsection (1) shall
- (a) contain a statement of the infringement alleged;
  - (b) contain such particulars of the infringement as are necessary for giving reasonable information of the allegation;
  - (c) specify the period during which, by virtue of subsection (1), proceedings may not be taken for the infringement;
  - (d) contain the amount of the fixed penalty; and
  - (e) specify the magistrate's court to the clerk of which the fixed penalty is to be paid.
- (5) Where a person granted a permit disputes that he is guilty of the conduct described in subsection (1), he may be prosecuted under section 168.
- (6) The fixed penalty under this section shall be paid to the clerk of the magistrate's court stated in the Coastal Zone Protection Notice issued pursuant to subsection (1).
- (7) In any criminal proceedings for an offence under this section, a certificate that payment of a fixed penalty was or was not made to the clerk of the magistrate's court by the date specified in the certificate signed by the clerk is *prima facie* evidence of the facts stated therein.
- (8) The person issued a notice referred to in subsection (1) is, upon payment of the fixed penalty, exempt from prosecution for any offence based on the same facts for which the fixed penalty was paid.
- (9) In any criminal proceedings for an offence, a receipt that the payment of a fixed penalty was made is *prima facie* evidence of the facts stated therein.

**Power to require information**

**38.(1)** For the purpose of enabling the Minister or the Director to make an order or serve a notice or other document under this Act, the Director may require the owner or the occupier of any premises or vessel, and any person who either directly or indirectly receives rent in respect of any land, vessel or premises, to state in writing the nature of the owner's or occupier's interest therein, and the name and address of any other person known to them to have an interest therein, whether as a freeholder, mortgagee, lessee or otherwise.

(2) The Director may liaise with persons and organisations within or outside of Barbados for the purpose of exchanging information and facilitating the harmonisation of the policies of such persons and organisations with those of the Government of Barbados relating to coastal zone management in Barbados.

(3) Any person who, having been required in pursuance of this section to give any such information, without reasonable cause fails to give that information within 28 days of being so required, or such longer period as the Director may allow in any particular case, is guilty of an offence and is liable on summary conviction to a fine of \$2 000 or to 3 months imprisonment or to both.

(4) Any person to whom information has been given under this Act, or who has obtained any information in the course of the person's duties under this Act, who makes any unauthorized disclosure of that information to any other person who is not required to receive that information is guilty of an offence and liable on summary conviction to a fine of \$50 000 or to imprisonment of 3 years or to both.

## PART VI

## MARINE MANAGED AREAS

*General***Definitions**

**39.** For the purposes of this Part, “designated marine area” means a marine managed area, marine protected area, marine park or marine reserve that is designated by the Minister in a coastal and marine area for the purposes of marine environmental protection, preservation, restoration, rehabilitation, enhancement, scientific, educational, cultural, social and economic benefit, or other similar national interest.

**Application of this Part**

**40.** This Part applies to designated marine areas established and managed in accordance with this Part.

**Objectives of this Part**

- 41.** The objectives of this Part are to
- (a) clarify the regulatory, management and operational framework for marine conservation;
  - (b) manage, develop, regulate and enforce designated marine areas and associated activities of national interest; and
  - (c) provide for general matters in respect of designated marine areas.

**Administration**

**42.** This Part is to be administered by the General Manager.

### **Collaboration**

**43.** The Marine Managed Areas Unit shall collaborate with the

- (a) National Conservation Commission;
- (b) Fisheries Division;
- (c) Environmental Protection Department;
- (d) Coastal Zone Management Unit,

and other regulatory agencies as necessary in the administration of this Part.

### *Functions of the Marine Managed Areas Unit*

### **Marine Managed Areas Unit**

**44.** The General Manager shall perform the functions specified in section 45.

### **Functions of the Marine Managed Areas Unit**

**45.** The functions of the MMA Unit are as follows:

- (a) monitoring, regulating, management and administration of designated marine areas;
- (b) monitoring any breakwaters, artificial reefs, man-made structures or artificial structures found within designated marine areas;
- (c) seeking funds for the establishment and development of designated marine areas;
- (d) expending such funds in furtherance of the management of designated marine areas;
- (e) management and sustainable development of designated marine areas;

- (f) enforcing any laws and regulations in respect of designated marine areas and any other incidental activities;
- (g) development and implementation of policies for designated marine areas;
- (h) development of regulations for establishment and use of designated marine areas;
- (i) setting and collection of fees in respect of designated marine areas;
- (j) mapping, demarcation, signage of designated marine areas, in consultation with the Coastal Zone Management Unit;
- (k) maintenance of demarcation buoys, mooring buoys, signage and other associated facilities;
- (l) restoring and rehabilitating degraded coastal and marine areas within the boundaries of a designated marine area;
- (m) protection and enhancement of coastal and marine resources within the designated marine areas;
- (n) monitoring the physical and biological resources within the areas;
- (o) collaboration with Fisheries Division in areas pertaining to management of, access to, and protection of, fish populations and habitat;
- (p) establishment of, and leading a coordinating body for all agencies having an interest in the designated marine areas;
- (q) promoting conservation of coastal resources within designated marine areas;
- (r) developing educational programmes promoting understanding of coastal resources and their uses;
- (s) advising the Minister generally on designated marine areas;
- (t) implementing and enforcing the provisions of this Part;



- (u) generally carrying out the Act, together with such other functions as may be conferred upon it by the Minister for the purposes of this Part or by any other enactment;
- (v) development and maintenance of strong relationships with all stakeholder groups; and
- (w) to do all such things which are necessary and within the powers of the Unit, in furtherance of the objectives of this Part and related regulations.

### **Powers of the Unit**

**46.** The Unit may, without prejudice to the generality of section 45, and with the consent of the Minister, perform the following functions:

- (a) establish, operate or manage services for the purposes of their duties and functions under this Act, in the publicizing of their activities, the promotion of interest in the conservation of fish, aquatic flora, animals, vegetation and other features and the assistance of visitors to designated marine areas;
- (b) provide educational and informational services to local resident users on any designated marine area; and
- (c) manage or grant concession or licenses to other persons to operate or manage on their behalf any ecolodges, restaurants or other places for accommodation of visitors travelling to or from any designated marine area, or for the accommodation of visitors to any place of aesthetic, geologic, prehistoric, archaeologic, historic or scientific interest, which may be operated in connection with any designated marine area.

*Declaration of Designated Marine Areas***Declaration by Minister with responsibility for designated marine areas**

**47.** The Minister, after consultation with the statutory body and government agencies referred to in section 43, may by notice declare any area within Barbados waters, a coastal or marine area to be a designated marine area where

- (a) the area is of natural, scientific, cultural, historical, ecological, economic, educational or other value; or
- (b) preservation or management of the area is necessary to properly protect for restoration or replenishment, permit access to, or allow public viewing of enjoyment of an area.

**Purposes of designation**

**48.** The purposes of the designation pursuant to section 47 are as follows:

- (a) to protect, conserve and restore the species and genetic diversity of living and non-living marine resources and the ecosystem processes of coastal and marine areas;
- (b) to stimulate the rational development of underutilized natural resources;
- (c) to manage coastal and marine areas so as to promote sustainability of existing resource use, and the recovery of areas and resources that have been over exploited or otherwise damaged;
- (d) to ensure that local resident users in the vicinity of, dependent on, a designated marine area are involved in all phases of the planning, development and management of that designated marine area, share in the benefits of the operation of the designated marine area, and have

priority in the resource use and economic opportunity afforded by the establishment of the designated marine area; and

- (e) to promote community-oriented education and dissemination of information concerning conservation opportunities for alternative livelihoods and sustainable use of a designated marine area.

*Responsibility of the National Conservation Commission*

**Responsibility of the National Conservation Commission in respect of designated marine areas**

**49.(1)** Where any area is established as a designated marine area pursuant to section 47, the National Conservation Commission shall have the power to

- (a) manage the terrestrial environment, including beaches bordering any designated marine area;
- (b) control maintenance and development of public parks, public gardens and beaches within proximity of designated marine areas, in accordance with the *National Conservation Commission Act*, Cap. 393;
- (c) develop coastal and terrestrial parks adjoining designated marine areas;
- (d) enter into written agreements with owners or occupiers of land, adjoining the foreshore of any designated marine area, for the purpose of obtaining public access to beaches;
- (e) adopt and develop general management plans for terrestrial areas, including terrestrial areas adjoining coastal and marine areas; and
- (f) do any other thing for which the National Conservation Commission has responsibility under the *National Conservation Commission Act*, in respect of terrestrial areas and terrestrial areas adjoining marine areas.

- (2) The MMA Unit and the National Conservation Commission shall collaborate as necessary to avoid management conflicts.
- (3) The MMA Unit shall advise the Minister on the removal of coral from the ocean bed or any other thing the removal of which might cause the encroachment of the sea in a designated marine area.
- (4) The National Conservation Commission shall be responsible for terrestrial areas within designated marine areas and terrestrial areas adjoining marine areas, including beaches.

### **Responsibility of the MMA Unit**

**50.** The MMA Unit shall be responsible for any designated marine area within Barbados' waters.

### *Co-management arrangements for designated marine areas*

### **Power of MMA Unit to enter into co-management arrangements**

**51.(1)** The MMA Unit may enter into co-management arrangements, after consultation with the Coastal Zone Management Unit, and with written consent from the Minister, for the purposes of jointly managing any designated marine area.

(2) A co-management arrangement under subsection (2) shall contain the following particulars:

- (a) the parties to the arrangement;
- (b) the duration of the arrangement;
- (c) scope of activities within the arrangement;
- (d) the rights and responsibilities of each party, in respect of the arrangement;
- (e) the annual pre-determined fee for management and use of designated marine areas;

- (f) a business plan for the designated marine area;
  - (g) approaches to conflict resolution;
  - (h) terms of termination of the arrangement; and
  - (i) any other relevant information.
- (3) A co-management arrangement shall be in writing and signed by the parties concerned.
- (4) A co-management arrangement shall not be in conflict with this Act, the Integrated Coastal Zone Management Plan or any in-force marine spatial plan.
- (4) The Government of Barbados retains existing role and functions in the management, regulation and enforcement of any designated marine area within a co-management arrangement.
- (5) The entity entering into a co-management arrangement with Government shall pay the Government an annual pre-determined fee for management and use of designated marine areas.
- (6) There shall be no transfer of ownership any coastal and marine areas, including areas comprising a designated marine area, or land areas adjoining a designated marine area under any co-management arrangement.
- (7) The Minister may, by regulations, provide specific requirements for management of designated marine areas within a co-management arrangement.

### *Conflict Resolution*

#### **Conflict resolution**

**52.(1)** In case any right, title, interest, franchise, lease, claim, privilege, exemption or immunity of any person in an area declared to be a designated marine area gives rise to conflict, dispute or difference, the Minister shall use best efforts to resolve such conflict, dispute or difference and shall consult and negotiate in good faith and understanding of the mutual interests of the parties to reach a just and equitable solution.

- (2) Any dispute may go to arbitration if the Minister so directs.
- (3) Where the dispute or difference is not settled by alternative forms of dispute resolution, the dispute or difference shall be settled by a court of competent jurisdiction.

*Restriction on Grant of Right, License, Title, Interest, etc.*

**Restriction on grant of right, license, title, interest, etc.**

**53.(1)** Except as specifically provided under this Act, no activity shall be permitted, and no right, license, title, interest, franchise, lease, claim, privilege, exemption, or immunity may be granted to any person or entity, by any person, agency or entity, whether government or private, in any designated marine area pursuant to this Act, unless

- (a) such grant is consistent to the extent practical, with the *National Conservation Commission Act*, Cap. 393, general management plan of the National Conservation Commission and the general management plan for designated marine areas;
  - (b) such grant is consistent with the *Planning and Development Act, 2019* (Act 2019-5); and
  - (c) there is an express permission of the General Manager.
- (2) Where the Minister deems it necessary within a designated marine area, and where it is consistent with the general management plan for designated marine areas, the Minister may, in consultation with the MMA Unit, Environmental Protection Department, and the statutory body and government agencies referred to in section 43, authorize the
- (a) provision of water supplies and the carrying out of works necessary for the purposes of the Act;
  - (b) taking of steps to ensure the conservation, security and sustainable use of marine living resources;

- (c) setting aside of all or any portion of a designated marine area as breeding place for fish and other animals and as nurseries for aquatic flora and vegetation;
- (d) entering into written agreements with owners or occupiers of land adjoining the foreshore of designated marine areas;
- (e) making of recommendations of sites suitable for the erection of hotels and other buildings for the accommodation of visitors, shops or similar undertakings.

*General Management Plan for Designated Areas*

**General Management Plan**

**54.(1)** The MMA Unit shall adopt or develop a general management plan specific to each designated marine area and shall set out the specific requirements in respect of such general management plan.

(2) The contents of the general management plan for designated marine areas shall be as follows:

- (a) a full description of the nature and location of the designated marine area;
- (b) a brief description of the biological, environmental, geological and cultural resources of the designated marine area, and the use of the area by local residents within the vicinity of the area;
- (c) detailed statements of proposed objectives;
- (d) detailed account of local resident users in the vicinity of the area, and other elements which distinguish between classes and categories to which the description applies; and
- (e) description of buffer zones surrounding a designated marine area.

- (3) The general management plan shall be designed and developed by the General Manager in accordance with this Part and any directive from the Minister in writing, and in consultation with the Director.
- (4) Where the general management plan is adopted, the MMA Unit shall notify local authorities and national planning agencies of the adoption.
- (5) No authority shall allocate land and put into new use any area within a buffer zone, unless
  - (a) an assessment of the environmental impact of the proposed activity is conducted pursuant to legal requirements, policy or practice or pursuant to any applicable general management plan or the regulations; and
  - (b) written notification of the proposed allocation of land or the new use is submitted to the General Manager not less than 30 days prior to preparation of the environmental impact assessment.
- (6) Where it is apparent that the proposed activity has a negative effect on fish, animals, water, aquatic flora, vegetation or aquatic substrate, the advice of Coastal Zone Management Unit shall be sought.
- (7) The sale or exchange of any specimen of marine fauna or flora in a designated marine area and purchase of, or exchange, or otherwise the acquisition of any specimen of marine fauna or flora which may be considered desirable to introduce into a designated marine area shall be prohibited.
- (8) The MMA Unit, in consultation with the Coastal Zone Management Unit shall make specific regulations for matters in relation to the general management plan for designated marine areas.



*Zones within Designated Marine Areas***Plan of zones and contents**

**55.(1)** The General Manager shall prepare and submit a plan of zones as part of the general management plan for a designated marine area.

(2) The contents of a plan of zones shall be as follows:

- (a) a specific map showing the zones and boundaries of the designated marine area;
- (b) description of zones and activities permitted within each zone; and
- (c) any other matter or description necessary for identifying components in the zones.

(3) The Minister, on consultation with the Coastal Zone Management Unit, shall make regulations for plans of zones and contents on the matters in respect of the zones.

*Local Resident Users***Publicizing of residences within designated marine areas**

**56.(1)** Hotels, other commercial establishments and private residences within the boundaries of designated marine areas shall advertise that they are within the boundaries of these areas.

(2) Commercial and residential establishments within the boundaries of designated marine areas shall adhere to environmental obligations in respect of these areas, as well as to preserve and protect these areas; and restore and rehabilitate, such areas, owing to any damage caused to the designated marine areas by these establishments.

(3) A person who causes environmental damage to a designated marine area commits an offence and is liable on summary conviction to a fine of \$500 000.

*Designated Marine Areas Revolving Fund***Establishment of Designated Marine Areas Revolving Fund**

**57.(1)** There shall be established a fund to be known as the “Designated Marine Areas Revolving Fund”, in this Part referred to as “the Fund”, to serve as the repository for

- (a) all funding received from the fees from activities occurring within the designated marine areas;
- (b) all voluntary subscriptions, donations or bequests received by the Unit or the co-management entity of any designated marine area;
- (c) all proceeds from user and entry fees, tourism levies, proceeds from licensing fees and other charges imposed by the Unit in respect of designated marine areas;
- (d) revenue from sustainable resource or development activities conducted by the Unit or any designated marine area;
- (e) any other sum or property which may be vested in the Unit or designated marine area as a result of the performance of its functions; and
- (f) fifty per cent of the proceeds from fines paid in respect of contraventions of the Act or regulations.

(2) The General Manager shall maintain such accounting records as are required by the *Public Finance Management Act, 2019* (Act 2019-1).

(3) A designated marine area shall have an account within the Fund where all revenues generated from within the designated marine area shall be retained and expended in pursuance of the objectives outlined in the general management plan of that designated marine area.

(4) Where the donor of monies deposited in the Fund requested that those funds be used at a particular designated marine area or for activities or equipment, the

General Manager shall ensure that all such monies shall be used in accordance with the donor's request.

(5) The MMA Unit shall, with written approval of the Minister, expend other monies from the account for the establishment and development of designated marine areas or for any purpose relating to the functions of the MMA Unit.

(6) The General Manager shall submit to the Minister an annual audited report on the sources and uses of monies under the Revolving Fund.

### **Establishment of Advisory Committee**

**58.(1)** There shall be established an Advisory Committee in relation to designated marine areas.

(2) The functions of the Advisory Committee are as follows:

- (a) to advise the Minister on the management and regulation of designated marine areas;
- (b) to oversee the operation of designated marine areas;
- (c) to consult with the MMA Unit on technical, scientific and operational matters concerning designated marine areas; and
- (d) to make recommendations and proposals for continued management and sustainable development of designated marine areas.

### *Restrictions of Certain Activities in Designated Marine Areas*

### **Specific limitations**

**59.(1)** The Minister may, after consultation with the MMA Unit and Coastal Zone Management Unit, make regulations to provide for specific limitations or to regulate activities based on

- (a) the species of fish, animals, vegetation or aquatic flora;

- (b) the methods employed in fishing, hunting, capturing and gathering of fish and aquatic flora from designated marine areas;
  - (c) the type of nets, gear and other equipment permitted in a designated marine area;
  - (d) the type of vessels and vehicles permitted in a designated marine area;
  - (e) the geographical location in which activities may be conducted;
  - (f) the size of the fish, animal, vegetation or aquatic flora; or
  - (g) the size of the catch of any fish, animal, vegetation or aquatic flora from the designated marine area.
- (2) The regulations made under subsection (1) may provide for the closure or limitation of the activities referred to in subsection (1) seasonally or for any period of time.
- (3) A person who contravenes any regulations made pursuant to subsection (1) is guilty of an offence and liable to a fine of \$50 000 or to imprisonment for 2 years or both.
- (4) The Minister may by order prescribe fees for licensed activities referred to in subsection (1) subject to such conditions as may be specified in the order.

### **Restrictions on certain activities**

**60.(1)** The Minister may, after consultation with the MMA Unit and the Coastal Zone Management Unit, make regulations prohibiting persons within a designated marine area from engaging in the following:

- (a) fishing, hunting, killing or capturing any fish or animal or disturbing any egg, nest, roe or spawn within the designated marine area;
- (b) gathering, collecting or removing any fish, animal, aquatic flora or vegetation, whether live or dead, or any sand, minerals or aquatic substrate;

- (c) selling or transporting any fish, animal, aquatic flora, vegetation or the products thereof or any sand, minerals or aquatic substrate;
  - (d) being in possession of any weapon, explosive, trap or poison;
  - (e) engaging in aquaculture or mariculture;
  - (f) making salt;
  - (g) conducting any sport fishing, tourism or other commercial activity;
  - (h) operating any vessel or vehicle within any designated marine area; and
  - (i) destroying, defacing or removing any object within a designated marine area.
- (2) A person who contravenes any regulations made pursuant to subsection (1) is guilty of an offence and is liable to a fine of \$50 000 or to imprisonment for 2 years or both.

*Restrictions on Commercial Activities*

**Restrictions on commercial activities**

**61.(1)** The Minister may, after consultation with the MMA Unit and the Coastal Zone Management Unit, make regulations prohibiting persons within a designated marine area from engaging in the following:

- (a) commercial activity within a designated marine area unless that activity is specifically permitted under the general management plan of the MMA Unit, the general management plan for the designated marine area or regulations adopted for that designated marine area;
- (b) mining or installing any heavy industry within a designated marine area;
- (c) mining or installing any heavy industry outside the boundaries of a designated marine area in a manner that causes negative effects on the area;

- (d) depositing or discharging any oil, chemicals, directly discharging coastal ground water or any sewage or other hazardous substances within any designated marine area or buffer zone or adjacent areas having an impact on the designated marine area;
  - (e) depositing or discharging any sewage, litter, rubbish, or other article or substance within any designated marine area buffer zone or adjacent areas having an impact on a designated marine area, except in accordance with specific permission from the Manager of the Marine Managed Areas Unit and consistent with the general management plan of the designated marine area;
  - (f) transferring any permit, license or certificate required under this Act or the subsidiary legislation made under this Act, *National Conservation Commission Act*, Cap. 393 or forge or otherwise obtain such document by misrepresentation or illegal means; or
  - (g) contravention of this Act or any subsidiary legislation made under this Act or any direction given by an authorized officer.
- (2) A person who contravenes any regulations made under subsection (1) is guilty of an offence and shall be liable to a fine of \$50 000 or to imprisonment for 2 years or to both.

*Limitation on Acts in Defence of Human Life*

**Acts in defence of human life, property, etc.**

- 62.(1)** Notwithstanding any provision in this Act, a person may take all reasonable measures to protect human life or property.
- (2) A person who acts in accordance with subsection (1) shall make a report of the event within 48 hours of the event to the nearest authorized officer.
- (3) A person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a fine of \$100 000 or to imprisonment for 5 years or to both.

## PART VII

## MARINE SPATIAL PLANNING AND MANAGEMENT

*General***Definitions**

**63.** For the purposes of this Part

“Barbados waters” or “marine waters” means the internal waters, territorial sea, contiguous zone and exclusive economic zone of Barbados;

“benthic” means anything associated with or occurring on the bottom of a body of water;

“CSO” means Coastal States Organization;

“marine spatial plan” means a comprehensive plan to organize human activity in an ocean area so as to achieve the purposes of the Act;

“marine spatial planning” means a public process of analyzing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic and social objectives, and to reduce user to user conflicts and user to environment conflicts in the ocean space;

“maritime law enforcement officer” means

- (a) members of the Barbados Police Service carrying out marine policing duties; and
- (b) officers and soldiers of the Barbados Defence Force serving as members of the Barbados Coast Guard established by the *Defence Act*, Cap. 159;

“MSP” means Marine Spatial Planning;

“MSP Unit” means the Marine Spatial Planning Unit;

“NGO” means non-governmental organization.

**Scope of this Part**

**64.** This Part applies to activities which are undertaken within the marine waters of Barbados.

**Administration of this Part**

**65.** This Part is to be administered by the Marine Spatial Planning Unit, in consultation with the Coastal Zone Management Unit and other relevant stakeholders.

**Objectives**

**66.** The objectives of this Part are to promote an area-based management approach to the maritime areas of Barbados, in order to

- (a) develop and implement a marine spatial planning framework which is adaptable to address the ever-changing marine environment that can be accessed by all sectors and users of the ocean;
- (b) promote sustainable economic opportunities which can contribute to the Barbadian ocean economy through coordinated and integrated planning;
- (c) facilitate and encourage responsible use of the ocean;
- (d) preserve the ocean for present and future generations;
- (e) protect and enhance the marine and coastal environment;
- (f) promote the resilience of marine and coastal ecosystems, communities and assets to climate change;
- (g) provide an integrated decision-making and management framework to coordinate with relevant stakeholders to effectively balance marine conservation with the ecologically sustainable uses of the marine environment and resources;



- (h) protect and preserve existing sustainable ocean uses from displacement by new ocean uses and effectively balance existing and new ocean uses;
- (i) encourage engagement in protecting Barbados' marine waters by interested persons and groups, including the government, communities and industry;
- (j) promote land to sea and sea to land integrated ocean management;
- (k) provide guidance to single-sector decision-makers to ensure that the sum of all decisions are oriented toward integrated, ecosystem-based ocean management; and
- (l) properly regulate and manage ocean-based activities within a marine spatial planning framework.

#### **Establishment of Marine Spatial Planning Unit**

**67.** There is established a Marine Spatial Planning Unit for the purposes of this Part, which shall have regulatory and enforcement responsibilities in respect of marine spatial planning and related activities.

#### **Planning and Management of Activities in Maritime Areas**

**68.** Activities occurring in

- (a) internal waters;
- (b) territorial sea;
- (c) contiguous zone;
- (d) exclusive economic zone;
- (e) inner continental shelf; and
- (f) outer continental shelf

shall be planned and managed within a marine spatial plan, developed in accordance with this Part.

### **Guiding Principles**

**69.** The following principles and measures shall be applied to marine spatial planning for the protection, management and development of Barbados' marine resources:

- (a) the ecosystem integrity principle, in order to ensure a primary focus on maintaining ecosystem structure and functioning with a MSP area, recognizing that ecosystems are dynamic, changing and sometimes not properly understood, thus requiring precautionary decision-making;
- (b) the integration principle, in order to avoid the negative impacts of working in sectoral and institutional compartments, through coherence and integration among levels of government;
- (c) the public trust principle, in order to reinforce that marine resources, including the marine space, belong to the people and are held in trust by the government for its people and future generations;
- (d) the transparency principle, to ensure that decision-making processes are easily understood by the public, and allow citizens to see how decisions are made, how resources are allocated, and how decisions have been reached that affect their lives;
- (e) the precautionary principle, to ensure that a proactive approach is taken toward decisions that may cause severe or irreversible harm to society or to the environment, and that lack of scientific certainty is not used as a basis for not taking precaution; and
- (f) the polluter-pays principle, to ensure that the cost of pollution damage is borne by the polluter.

### **Marine Spatial Planning Policy and Plan**

**70.(1)** Within one year of the commencement of this Act, a Marine Spatial Plan and Policy shall be developed, in consultation with relevant stakeholders.

(2) Within 5 years of the commencement of this Act, the Marine Spatial Plan and Policy shall be evaluated, reviewed and updated as necessary, and be further reviewed at 5 year intervals.

(3) Within 10 years of the commencement of this Act and every tenth year thereafter, the Marine Spatial Plan and Policy shall be evaluated, reviewed and updated as necessary.

### *Institutional and Administrative Arrangements*

#### **Implementation of marine spatial plan**

**71.** The marine spatial plan and policy shall be implemented consistent with the policy and in accordance with the Act.

#### **Approval of marine spatial plans**

**72.(1)** Any marine spatial plan developed for Barbados shall be approved by the Cabinet.

(2) References under this Part to an “in-force marine spatial plan” means a marine spatial plan that

- (a) has been developed in accordance with this Part;
- (b) has been approved by the Cabinet; and
- (c) as a result of (a) and (b) is currently in force in Barbados.

#### **Role of the Coastal Zone Management Unit in Marine Spatial Planning**

**73.** The Coastal Zone Management Unit

- (a) may review and make recommendations in respect of marine spatial planning activities;
- (b) shall monitor the work of the agencies responsible for marine spatial plan implementation;

- (c) shall ensure that coastal and marine activities are carried out consistently with any marine spatial planning requirements;
- (d) shall ensure the performance of all other duties or functions imposed or conferred under this Act or the regulations thereto in relation to marine spatial planning.

### **Marine Spatial Planning Unit**

**74.(1)** The Marine Spatial Planning Unit shall be the competent authority for national marine spatial planning activities and shall exercise MSP related functions in accordance with this Part and in consultation with relevant stakeholders.

(2) The duties of MSP Unit include

- (a) the preparation of the marine spatial plan policy which is to be developed in collaboration with the CZMU and Marine Spatial Planning Committee and reviewed, evaluated and updated at five-year intervals;
- (b) the preparation and review of the marine spatial plan;
- (c) updating the marine spatial plan periodically at 5 year intervals;
- (d) undertaking public education and promotional activities to sensitize the public of any restrictions imposed by the marine spatial plan and management measures;
- (e) preparing and maintaining a schedule of marine-based activities for which management measures should be implemented;
- (f) preparation of annual reports that records the MSP activities and achievements of the MSP Unit;
- (g) performing any other duties or functions imposed or conferred on it by this Act or the regulations; and

- (h) exercising such functions as may be necessary in the effective execution of its role as the competent authority for marine spatial planning activities.

### **Marine Spatial Planning Steering Committee**

**75.(1)** There is established a Marine Spatial Planning Steering Committee which shall provide assistance in relation to marine spatial planning activities, including to

- (a) assist the MSP Unit with marine spatial planning activities;
  - (b) consult with MSP Unit on technical, scientific and operational matters concerning marine spatial planning;
  - (c) make recommendations and proposals for continued management and sustainable development of Barbados' ocean space within a marine planning framework; and
  - (d) perform any other functions as may be specified in writing by the Minister.
- (2) The Marine Spatial Planning Steering Committee referred to in subsection (1) shall comprise persons from government departments and agencies, non-governmental organizations and private enterprises that have a direct interest in the marine environment.

### *Marine Spatial Plan*

### **Marine Spatial Planning Guidance**

**76.(1)** A preliminary list of specific problems to be solved through the MSP process shall be prepared.

- (2) A financial plan that
  - (a) estimates the cost of MSP activities; and
  - (b) identifies alternative means to acquire financing for MSP activities,

shall be prepared.

- (3) A marine spatial planning team with appropriate skills and competencies shall be mobilized.
- (4) A work plan that identifies essential work products and resources required to complete the outputs of on-time planning shall be developed.
- (5) The boundaries and time frame for analysis and management shall be defined.
- (6) The specific principles, goals and objectives to effectively guide the development of the MSP management plan shall be formulated.
- (7) A stakeholder plan shall be designed, which indicates who, when and how to involve stakeholders throughout the entire MSP process.
- (8) There shall be developed
  - (a) an inventory and maps of significant biological and ecological areas in the management area; and
  - (b) an inventory and maps of current human activities and pressures in the management area.
- (9) An assessment shall be made of
  - (a) possible conflicts and compatibilities among existing human uses; and
  - (b) possible conflicts and compatibilities between existing human uses and the environment.
- (10) A trend scenario which illustrates how the MSP area will look if present conditions continue in the absence of new management interventions shall be developed.
- (11) Alternative spatial sea use scenarios which illustrates how the management area may look when human activities are redistributed based on new goals and objectives shall be created.

- (12) A preferred scenario which provides the basis for identifying and selecting management measures in the marine spatial plan shall be created.
- (13) Alternative management measures for the marine spatial plan shall be identified and evaluated.
- (14) Criteria for selecting alternative management measures shall be identified.
- (15) A comprehensive management plan, including if needed, a zoning plan, shall be developed.
- (16) Actions required to implement, ensure compliance with, and enforce the marine spatial plan shall be clearly identified.
- (17) A monitoring system shall be designed to measure performance indicators of the marine spatial plan.
- (18) Information on the performance of marine spatial management measures that will be used for evaluation shall be gathered.
- (19) Periodic reports to decision makers, stakeholders, and the public about the performance of the marine spatial plan shall be issued.
- (20) Proposals for adapting management goals, objectives and strategies for the next round of planning shall be developed.
- (21) Applied research needs shall be identified.
- (22) A comprehensive communications, public education awareness and outreach plan to reach all stakeholders and the public about the activities within the marine spatial planning process shall be developed.

#### **Plan Elements and Criteria**

- 77.(1)** The marine spatial plan shall include the following elements and criteria:
- (a) a map delineating the boundaries of the plan area, and any zones in which particularized activities are allowed, prohibited or otherwise regulated;

- (b) where there are zones within the plan area, there must be a clear written description on how the zone may be used including
    - (i) the permissible activities within the zone and whether licences, permits or other permissions are required to engage in these activities;
    - (ii) a description of any prohibitions, limitations or requirements applicable to the zone including as to the nature, timing, duration or location of any ocean activity;
    - (iii) a description of the necessary surveillance monitoring equipment that will be mandated for all vessels, local and foreign, operating within the designated spaces; and
    - (iv) references to any enactment or policy which governs activities within the zone;
  - (c) human-use data about the marine space, standardized into spatial layers and overlaid in a GIS system.
- (2) The plan may also include the following additional elements to aid in the implementation, administration and public understanding of the plan:
- (a) a framework which is used to monitor, evaluate and report on the implementation of the marine spatial plan;
  - (b) an implementation plan or similar tool which outlines any proposed timeframes for the implementation of actions and the persons responsible for delivering those actions;
  - (c) details of the proposed use, development and works for the area to which the plan applies;
  - (d) narrative information giving context of the marine spatial plan concerning the cultural, environmental, economic or social characteristics of the plan area;
  - (e) references to scientific data and information, studies and reports;



- (f) supplemental maps, charts, graphs, tables, photographs and other graphic material and visual aids.

### **Conformity of Marine Spatial Plan to policies**

**78.** The marine spatial plan shall conform to a marine spatial planning policy currently in effect for Barbados, unless relevant considerations indicate otherwise.

### **Zones**

**79.(1)** The marine spatial plan shall outline the zone plan which is intended to particularize ocean use or set of uses.

(2) The zoning in the plan referred to in subsection (1) shall include the following:

- (a) a general use zone which aims at the protecting the pelagic and benthic habitats of the marine environment while allowing and encouraging a range of ecologically sustainable uses of the ocean;
- (b) a restricted commercial fishing zone within Barbados' marine waters which restricts most large-scale commercial fishing activities in areas which can cause endangerment to the marine habitats;
- (c) an ocean habitat preservation zone which will be used to protect and manage the pelagic and benthic habitats by prohibiting potentially damaging activities to the habitat and encouraging conservation of the ocean space sustainable use of the ocean;
- (d) an island protection zone to provide for the conservation of the pelagic, benthic, coral reef and coastal habitats by prohibiting all seabed mining activities and large-scale commercial fishing, while allowing other ecologically sustainable uses; and
- (e) a national marine park zone to provide for strict preservation of the natural integrity and ecological values of specific coral reef and coastal habitats in Barbados' marine waters.

- (3) Zonation consideration shall also be given to the shipping sector and within these locations the protection or prohibition of fishing activities shall also be taken into account.
- (4) Zonation consideration shall also be given to non-shipping ocean-based sectors and within these locations the protection or prohibition of fishing activities shall also be taken into account.
- (5) The Minister may by notice in the *Official Gazette* amend the zones outlined in the marine spatial plan or create additional types of zones and restrictions on activities in those zones to manage and accommodate other uses of Barbados' marine waters.

*Plan Adoption, Modification and Revocation*

**Plan adoption**

- 80.(1)** After considering any submissions in relation to a draft marine spatial plan, the MSPU shall submit the draft plan to the Minister for approval.
- (2) Prior to approving the Plan, the Minister shall hold a public consultation regarding the MSP.
- (3) After the public consultation process is concluded, the Minister may
  - (a) direct any necessary modifications to be made to the Plan;
  - (b) approve the Plan with or without amendment; or
  - (c) refuse to approve the Plan.
- (4) Where the Minister approves the Plan, he shall publish a notice of approval in the *Official Gazette*.
- (5) A marine spatial plan comes into operation
  - (a) on the date on which the notice under subsection (4) is published in the *Official Gazette*; or
  - (b) on any later date as may be specified in the notice.

- (6) The MSPU shall, after the Minister's official publication of the plan in the *Gazette*, publish on the website of MSPU a copy of the marine spatial plan.

#### **Plan modification or amendment**

- 81.(1)** Any amendment to the marine spatial plan shall first be approved by the Minister.
- (2) There shall be public consultation prior to amendment of a marine spatial plan.

#### **Plan revocation**

- 82.(1)** The Minister may revoke the marine spatial plan, where he considers it appropriate to do so.
- (2) Where the Minister revokes the marine spatial plan, he shall publish a notice of revocation, together with the reason for revocation in the *Official Gazette*, and the marine plan concerned ceases to have effect on the date of such publication.
- (3) The Minister may also take such further steps as he considers appropriate to ensure that the revocation of the marine spatial plan concerned is brought to the attention of interested persons.
- (4) Following the revocation of a marine spatial plan, the Minister shall ensure the adoption of a new marine spatial plan, so that an existing marine spatial plan is not revoked unless a prospective one is prepared and is ready for implementation.
- (5) In this section, "interested person" means any person appearing to the Minister to be likely to be interested in, or affected by, the withdrawal of the marine spatial plan.

**All marine areas and uses**

**83.** The MSPU shall, as soon as practicable, after the commencement of this Act, begin preparing for approval, the national marine spatial plan for existing and anticipated uses of Barbados’

- (a) internal waters;
- (b) territorial sea;
- (c) contiguous zone;
- (d) exclusive economic zone;
- (e) inner continental shelf; and
- (f) outer continental shelf.

**Plan duration and periodic review**

**84.(1)** The MSPU shall review a marine spatial plan no later than 5 years after the commencement of the Plan.

(2) After review of a marine spatial plan, the MSPU may recommend in writing that the Minister modify such Plan.

(3) The Minister may in writing direct the MSPU to conduct a review of the marine spatial plan starting 2 years after the commencement of the Plan.

**Plan implementation, monitoring and compliance**

**85.** The MSPU, in consultation with the CZMU shall monitor the implementation of, and public compliance with marine spatial plans.

**Binding effect of plan**

**86.** All persons are bound by a lawfully adopted marine spatial plan, as that plan is expressed through the plan area boundaries, zone boundaries, and zone requirements established pursuant to the Act.

### **Relationship to other laws**

**87.** In the event of any inconsistency between the provisions of this Part and other enactments specifically relating to marine spatial planning, the provisions of this Part prevail, to the extent of inconsistency.

### *Public Participation and Access to Information*

#### **Public information**

**88.(1)** Prior to promulgation of a marine spatial plan, a proposal for a Plan shall be published for public comment for a period of 6 months before its commencement date.

(2) Public information generated during the planning process that will likely cause overfishing or harm threatened or endangered marine species, biodiversity or fish habitat shall not be made public.

#### **Access to information**

**89.(1)** The MSPU shall post and maintain online for public inspection an existing approved marine spatial plan and its supporting materials.

(2) The MSPU shall maintain at its offices complete and accurate paper copies of an existing approved marine spatial plan and supporting materials and shall make such plan and materials available for inspection by any person during normal business hours, without prior request or fee.

(3) The MSPU shall, upon request, offer for sale paper copies of an existing approved marine spatial plan and supporting materials, at a cost to be determined by the MSPU, in consultation with the Minister.

#### **Marine Stakeholder List**

**90.(1)** There shall be maintained a list of persons and organizations known to be interested in the use, conservation, or management of marine waters of

Barbados, including businesses, community leaders, government officials, civil society organizations, international donors, persons who have expressed an interest in ocean policy, and any other concerned individuals.

- (2) For each person on the list, a physical address must be indicated or an electronic address or other reliable way to send written notice to the person.
- (3) Reasonable efforts shall be made to keep names and addresses on the list current and at a person's request, that person shall promptly be added to or removed from the list.
- (4) The MSPU shall notify all persons on the Marine Stakeholder List
  - (a) in carrying out his responsibility to seek representation pursuant to this Act; and
  - (b) in providing public notice of any other significant decision made pursuant to this Act.

**Soliciting, responding to and incorporating public input**

**91.(1)** In informing the public and seeking representations pursuant to this Act, best efforts shall be used

- (a) to communicate with the public, including women, youth, and other historically excluded groups, about marine spatial planning processes; and
  - (b) to notify all persons identified on the Marine Stakeholder List.
- (2) In informing the public and seeking representation, the following may be done:
- (a) distribution of information to raise awareness of the possibility of participating in MSP efforts;
  - (b) convening public meetings, including virtual meetings;

- (c) communication of marine spatial planning information by newspaper, radio, social media, or other appropriate and effective communication channels;
- (d) hosting of workshops for local communities to support understanding about MSP and the effects (positive and negative) MSP may have on certain stakeholder groups;
- (e) facilitation of training sessions for certain stakeholder groups, e.g. small-scale fishers and local coastal community groups;
- (f) advancing of education initiatives for stakeholder groups to develop and improve negotiating skills;
- (g) garnering of financial support for professional negotiators who can assist in developing a position for the stakeholder group through actively assisting in discussing MSP goals, objectives and measures; and
- (h) utilization of any other method that the MSPU, CZMU or MSP Steering Committee devises to ensure broad public participation.

### **Defining MSP Stakeholder Involvement**

**92.** In defining the participants in the MSP stakeholder process, should include individuals, groups or organizations that

- (a) are or may be affected by MSP decisions;
- (b) are reliant on the resources of the management area where MSP decisions will be taken;
- (c) have or make legal claims or obligations over areas or resources within the management area;
- (d) conduct activities that impact on areas or resources of the management area;
- (e) have special seasonal or geographic interests in the management area;

- (f) have a special interest in the management of the area, i.e. environmental and cultural interests.

### **Goals of Stakeholder Involvement for MSP Process**

- 93.** The goals of stakeholder involvement for the MSP process shall be
- (a) to encourage ownership of the spatial plan, engender trust among stakeholders and decision-makers, as well as promote voluntary compliance with MSP requirements, and rules and regulations specific to the activities occurring within the MSP boundaries;
  - (b) to deepen understanding of the spatial, temporal and other complexities of the management area;
  - (c) to gain an increased understanding of the human influences on the management area;
  - (d) to deepen mutual and shared understanding about the problems and challenges in the management area;
  - (e) to better understand the underlying desires, perceptions and interests that stimulate or prohibit integration of policies in the management area;
  - (f) to maximize existing and potential compatibility of user to user and user to environment conflicts of the management area;
  - (g) to create new options and solutions that may not have been individually considered; and
  - (h) to expand and diversify the capacity of the MSP team, especially through the inclusion of secondary and tertiary information such as local knowledge and traditions.



*Sustainable Financing for Marine Spatial Planning Activities***Designated Funding for Marine Spatial Planning**

**94.(1)** MSP financing may be maintained based on funds received from the sources specified in *Third Schedule*.

(2) All MSP-related funds shall be received and disbursed for the following purposes:

- (a) support of overall marine spatial planning processes and administrative activities;
- (b) enforcement of laws and other legal restrictions related to coastal management, including creation, review and modification of the marine spatial plan;
- (c) informing the public of the contents of the laws relating to marine spatial plans and sustainable management of Barbados' coastal environment;
- (d) consultations with stakeholders and the general public on the contents of and any modifications to the marine spatial plan;
- (e) training and education of enforcement officers in the enforcement of Barbados' coastal management laws and other relevant legal restrictions;
- (f) education, communication and outreach activities and efforts related to the natural resources in Barbados;
- (g) data collection, research monitoring and other endeavours to preserve, protect and manage the natural, physical and ecological resources and the architectural, cultural and historical heritage of Barbados;
- (h) data collection storage and big data management and other endeavours to preserve, protect and manage all existing new and continuously

updated data collected for the Marine Spatial Plan and its associated processes and activities;

- (i) provision of grant funds for environmental and marine conservation projects applied for by NGOs and CSOs; and
- (j) the annual audit of the Fund's operations, which shall comprise no more than 5 per cent of the annual revenues of the Fund.

(3) The Marine Spatial Planning Unit shall ensure in each case that the scope and design of each chosen MSP financing mechanism is based on the MSP activities and management measures being implemented in each case, and generally that the financing mechanism is appropriate to the marine management goal with which the MSP process is concerned.

(4) In determining the feasibility of a given funding mechanism for marine spatial planning activities, regard shall be had to the following:

- (a) financial considerations:
  - (i) the amount of money that will actually be needed annually for the time frame of the marine spatial plan to support the MSP activities;
  - (ii) the revenue likely to be generated annually by the chosen financing mechanism;
  - (iii) whether the revenues generated outweigh the cost of setting up a new user-fee system;
  - (iv) the potential impact of a highly variable revenue flow on MSP activities that the chosen financial mechanism is intended to support; and
  - (v) other available sources of funds, either on a long-term or one-time basis;

- (b) administrative considerations:
  - (i) difficulty in designing, administering, enforcing, or implementing a particular type of user fee, quota or trading system;
  - (ii) whether the financial mechanism would be too complicated or costly to administer;
  - (iii) whether there is adequately trained personnel to administer and enforce the system, or in sourcing such personnel, where none are available;
  - (iv) whether implementing a particular financial mechanism may be heavily reliant on individual discretion;
  - (v) whether effective safeguards can be devised to limit potential problems; and
  - (vi) difficulty in collecting, verifying and maintaining the data upon which the financial mechanism is based;
- (c) social considerations:
  - (i) the potential social impacts of the financial mechanism;
  - (ii) who will pay, willingness-to-pay and capacity-to-pay; and
  - (iii) whether the financing mechanism will be considered equitable and legitimate;
- (d) legal considerations:
  - (i) whether the proposed financing mechanism is established under the current legal system;
  - (ii) whether new legislation will be required to establish the proposed financing mechanism, including the difficulty and time considerations in promulgating such legislation; and

- (iii) whether the financing mechanism can be implemented under existing legislation;
  - (e) political considerations:
    - (i) whether there is government support for introducing a new financing mechanism;
    - (ii) whether it can be guaranteed that the revenues from the financing mechanism will be used solely for marine spatial planning purposes; and
    - (iii) whether the financing mechanism and management of funds be ensured by the courts, particular user groups, NGO watch-dog groups, an independent board of directors or an international agency;
  - (f) environmental considerations:
    - (i) the potential environmental impact of implementing any new financing mechanism;
    - (ii) whether the desire to increase revenues in fulfillment of MSP objectives compromise other objectives or exceed the carrying capacity of the marine area.
- (5) In making a determination as to a financial mechanism, every effort shall be made to ensure that the MSP process is not compromised due to lack of resources.

### *Marine Spatial Plan Compliance and Enforcement*

#### **Marine spatial plan (MSP) compliance certificate**

**95.(1)** Notwithstanding the provisions set out in sections 97 and 98, the exercise of a use or activity in Barbados waters when such use or activity is already provided for in an approved and current Marine Spatial Plan, requires the prior grant of a Marine Spatial Plan Compliance Certificate issued by the MSPU.

- (2) The Marine Spatial Plan Compliance Certificate, referred to in subsection (1) and set out in the form specified in the *Fourth Schedule*, attests that a marine use or activity in Barbados waters is actually provided for in the specific marine space within Barbados waters by the in-force marine spatial plan.
- (3) A Marine Spatial Plan Compliance Certificate is valid for 5 years.
- (4) A Marine Spatial Plan Compliance Certificate may be renewed subject to the marine use or activity remaining in compliance with an in-force marine spatial plan.

#### **Marine spatial plan (MSP) compatibility certificate**

**96.(1)** Notwithstanding the provisions set out in sections 97 and 98, the exercise of a use or activity in Barbados waters which has a significant economic, social or environmental added value and which occupies a large area or volume of Barbados waters, when such use or activity is not foreseen in the Marine Spatial Plan, requires the grant obtainment of Marine Spatial Plan Compatibility Certificate issued by the Coastal Zone Management Unit.

(2) The Marine Spatial Plan Compatibility Certificate, referred to in subsection (1) and set out in the form specified in the *Fourth Schedule*, attests that a marine use or activity in Barbados waters, although not provided at the time of application for that marine space within Barbados waters by the in-force Marine Spatial Plan, is in fact compatible with

- (a) the Marine Spatial Planning Policy; and
- (b) the in-force Marine Spatial Plan.

(3) A Marine Spatial Plan Compatibility Certificate is valid for 5 years and may be renewed subject to the marine use or activity remaining compatible with an in-force marine spatial plan.

#### **Marine uses and activities subject to other legislation**

**97.** Where the exercise of a certain use or activity is subject to the grant of a licence or permit under any other enactment, such licence or permit shall

be granted by the competent authorities specified in the other enactment if the authority issuing the licence or permit ensures that a Marine Spatial Plan Compliance Certificate or Marine Spatial Plan Compatibility Certificate has actually been issued previously, in accordance with section 95 or section 96, as the case requires.

### **Marine uses and activities not subject to regulation**

**98.** When the exercise of a certain use or activity, by its nature, is not regulated by any licence, permit or other instrument under existing legislation in force in Barbados, the licensing, permitting or authorization of the said use or activity shall be granted by the Marine Spatial Planning Unit, following a proposal prepared by the Marine Spatial Planning Committee.

### **Suspension of activities: MSP non-compliance**

**99.(1)** Where the activities of a holder of a Marine Spatial Plan Compliance Certificate are found to be no longer in compliance with an in-force marine spatial plan, the Marine Spatial Planning Unit may temporarily suspend the activities of the Marine Spatial Plan Compliance Certificate holder until the non-compliance has been rectified and the activity or activities are brought back into compliance with the in-force marine spatial plan.

(2) Where the activities of a holder of a MSP Compatibility Certificate is found to be no longer compatible with an in-force marine spatial plan, the Marine Spatial Unit may temporarily suspend the activities of the MSP Compatibility Certificate holder until the incompatibility has been rectified and the activity is again compatible with the in-force marine spatial plan.

### **Issuance of MSP certificates**

**100.(1)** Every marine use or activity in Barbados waters shall comply with the requirements an in-force marine spatial plan before

- (a) exercising the use or engaging in the activity; and

- (b) if already exercising the use or engaging in the activity, continuing to exercise such use or engage in such activity,

on or at any time after the date applicable to that marine use or activity, outlined in subsection (2) are met.

(2) The requirements are that

- (a) an inspection has been carried out in respect of the marine use or activity;
- (b) at the date of the inspection, the Marine Spatial Planning Unit is satisfied that the marine use or activity is compliant with an in-force marine spatial plan; or
- (c) at the date of inspection, the Marine Spatial Planning Unit is satisfied that the marine use or activity is compatible with an in-force marine spatial plan; and
- (d) in consequence of that inspection, a Marine Spatial Plan Compliance Certificate or Marine Spatial Plan Compatibility Certificate, as the case may be, has been issued by the Marine Spatial Planning Unit and is still valid.

#### **Endorsements on MSP certificates: annual inspections**

**101.(1)** No person in Barbados waters may

- (a) engage in any marine use or activity; or
- (b) if already engaging in such marine use or activity, continue to do so,

after the end of any annual inspection for that marine use or activity unless the requirements outlined in subsection (2) are met.

(2) The requirements are that

- (a) an inspection has been carried out in respect of the marine use or activity;

- (b) at the date of the annual inspection, the Marine Spatial Planning Unit is satisfied that the marine use or activity is compliant with an in-force marine spatial plan; or
- (c) at the date of the annual inspection, the Marine Spatial Planning Unit is satisfied that the marine use or activity is compatible with an in-force marine spatial plan; and
- (d) in consequence of that annual inspection, the Marine Spatial Plan Compliance or Compatibility Certificate, as the case may be, has been endorsed to this effect and is still valid.

#### **Fees: MSP certificates**

**102.** The Minister may make regulations setting out the fees for

- (a) Marine Spatial Plan Compliance and Compatibility Certificates; and
- (b) annual endorsements on Marine Spatial Plan Compliance and Compatibility Certificates, set out in the form specified in the *Fourth Schedule*.

#### **Exemptions from MSP certification requirements**

**103.(1)** The Marine Spatial Planning Unit may, after consultation with the Marine Spatial Planning Committee, specify in writing and publicize any marine uses or activities that are exempt from MSP certification requirements.

(2) Where the Marine Spatial Planning Unit considers granting an exemption, in accordance with subsection (1), it shall provide justification as to why such exemption should be allowed.

(3) The Marine Spatial Planning Unit shall notify relevant agencies of marine uses or activities that are exempted from MSP certification requirements prior to publicizing such exemptions, in order to give such agencies opportunity to make recommendations.



**Offences and penalties: violation of marine spatial plan**

**104.** Any person who engages in an ocean activity that is prohibited by this Act or any approved marine spatial plan made under this Act is guilty of an offence and is liable on conviction on indictment to a fine of \$500 000 or to imprisonment for 5 years or to both.

**Violation of regulations**

**105.** Any person who contravenes any regulations made under this Part is guilty of an offence and is liable on summary conviction to a fine of \$150 000 or to imprisonment for 2 years or to both.

**Forfeiture**

**106.(1)** Where a person is convicted of an offence against under this Part, the Court may, in addition to any other penalty it may impose, order that any vessel including her gear, furniture, appurtenances, stores, equipment, cargo and aircraft, and all or part of any fish, fish product, fishing gear, vehicle, or other item used in or connected with the commission of any act prohibited by this Part be seized.

(2) In the case of fishing vessels, where any fish seized in connection with the offence have been sold, the proceeds of sale of the fish, may be forfeited to the State, and if so forfeited such property shall be disposed of in such manner as the Minister may direct.

**Evidentiary presumptions**

**107.(1)** Any marine resource found on a vessel which has been used in the commission of an offence under the Act or any subsidiary regulations thereto is presumed to have been caught in the commission of that offence unless the contrary is proved.

(2) If, in any legal proceedings under the Act, the place in which an event is alleged to have taken place is in dispute, the place stated in the relevant entry in

the logbook or other official record of a law enforcement vessel or aircraft as being the place in which the event took place is presumed to be the place in which the event took place, unless the contrary is proved.

(3) An entry in a logbook or other official record of an enforcement vessel or aircraft

- (a) is *prima facie* evidence of the matters in the logbook or official record; and
- (b) may be given by the production of written copy or extract of the entry certified by a maritime law enforcement officer as a true copy of accurate extract.

(4) In any proceedings for an offence under the Act, an allegation made by the informant in any information or charge on whether or not a person was the operator of a vessel is presumed to be true unless the contrary is proved.

(5) An entry in writing or other mark in or on a log, chart, electronic chart or electronic log or other document required to be maintained under this Act used to record the activities of a fishing vessel is to be taken to be that of the operator of the vessel.

### **Citizen suits**

**108.** Where any person believes that there is a violation of a requirement under this Part or under a lawfully adopted marine spatial plan, the person may notify the Marine Spatial Planning Unit of the violation.

### **Authorized officers**

**109.** The Minister may, after consultation with the Attorney General, appoint in writing any person or class of persons, or agencies to carry out marine spatial planning enforcement activities, and such persons shall exercise all powers and privileges accorded by the instrument of appointment, in order to effectively enforce marine spatial planning and marine spatial planning related activities.

### **Enforcement responsibility**

**110.(1)** The Marine Spatial Planning Unit shall have the primary responsibility for marine spatial planning enforcement, in consultation with the Maritime Law Enforcement, including

- (a) monitoring control and surveillance of all fishing operations, seabed mineral resource exploration activities, offshore petroleum activities, marine renewable energy activities, marine and ocean research related activities and other related activities within the marine waters; and
  - (b) general enforcement of this Part.
- (2) The Marine Spatial Planning Unit with approval from the Minister shall, as appropriate, involve participation by relevant government departments or offices responsible for coastal and marine enforcement.
- (3) The Coastal Zone Management Unit may recommend other entities, officials or persons to perform marine spatial planning enforcement functions.

### *Traditional Rights and Management*

### **Arrangements with local fishing and coastal community groups**

**111.(1)** Agreements or arrangements may be made with a group of people who are representative of a local fishing or coastal community group that has a special interest in the plan area.

- (2) The agreement or arrangement may relate to the development and implementation of a marine spatial plan or plan area or for a species or ecological community within the plan area concerned and may, if the MSP Unit considers it appropriate, provide that, if such a plan of management is prepared, the fishing or coastal community group is to manage the area, or the species or ecological community within the area, jointly with MSP Unit in accordance with the marine spatial plan.

(3) The use of marine-specific traditional knowledge in any marine spatial planning activities shall be compensated in accordance with the *Maritime and Underwater Heritage Act, 2025* (Act 2025-2).

### *Marine Spatial Management Measures*

#### **Objective of Marine Spatial Management Measures**

**112.** The objective of marine spatial management measures is to induce humans to do what is necessary to produce the desired mix of marine ecosystem goods and services, through spatial management measures that promote sustainable human-environment compatibility in maritime areas.

### *Spatial Management Measures Selection Criteria*

#### **Criteria for selecting marine spatial management measures**

**113.** Spatial management measures shall be selected on the basis of the following criteria:

- (a) physical, chemical and biological effects over time, including
  - (i) changes in ambient water quality in various sub-areas of the management area;
  - (ii) effects of changes in ambient water quality or physical disturbance on components of the ecosystem, as well as users of the ecosystem services of the management area;
  - (iii) effects on biologically or ecologically important areas;
  - (iv) ecosystem effects external to the management area;
- (b) ecologically or biologically significant marine areas, including
  - (i) areas containing either unique, rare or endemic species, populations or communities, and unique, rare or distinct habitats

or ecosystems and unique or unusual geomorphologic or oceanographic features;

- (ii) areas of special importance for life history stages of species, that is to say, areas required for a population to survive and thrive;
  - (iii) areas containing habitats for the survival and recovery of endangered, threatened, declining species or with significant assemblages of such species;
  - (iv) areas containing a relatively high proportion of sensitive habitats, biotopes (small, uniform environments occupied by a community of organisms) or species that are functionally fragile (highly susceptible to degradation or depletion by human activity or by natural events) or with slow recovery;
  - (v) areas containing species, populations or communities with comparatively higher natural biological productivity;
  - (vi) areas containing comparatively higher diversity of ecosystems, habitats, communities, or species, or with higher genetic diversity;
  - (vii) areas with a comparatively higher degree of naturalness as a result of the lack of, or low level of, human-induced disturbance or degradation;
- (c) economic effects and their distribution, including
- (i) direct benefits, values of products and services produced from the ocean, and the distribution of benefits;
  - (ii) direct costs of ocean products and services produced and the distribution of costs;
  - (iii) administrative costs;
  - (iv) indirect benefits associated with ocean products and services produced;

- (v) indirect costs associated with ocean products and services produced;
- (d) administrative considerations, including
  - (i) simplicity;
  - (ii) effects on resources of implementing agencies;
  - (iii) retention of effectiveness under changing conditions;
  - (iv) ease of modification under changing conditions;
- (e) timing considerations, including
  - (i) years before production of ocean products/services begin;
  - (ii) years before adverse or positive effects on ambient environmental quality begin to be measured;
  - (iii) time required to establish implementation incentive or institutional arrangement systems;
- (f) political considerations, including
  - (i) priority in relation to implementation of strategies in other management areas;
  - (ii) degree to which strategy can be executed by a single agency rather than by multiple agencies;
  - (iii) impact on intergovernmental relations;
  - (iv) acceptability to public;
  - (v) legal issues;
- (g) accuracy of estimates for analysis, including
  - (i) physical, chemical, biological and ecological effects;
  - (ii) benefits, direct and indirect, and their distribution;
  - (iii) costs, direct and indirect, and their distribution;

- (h) resource use effects, including
  - (i) ocean space required;
  - (ii) cumulative effects on the environment; and
- (i) feasibility of financing, including
  - (i) financial requirements for implementation;
  - (ii) sources of financing;
  - (iii) ability to pay.

*Spatial Management Measures by Sector*

**Spatial management of marine transportation activities**

**114.** The following spatial management measures may be imposed in relation to the marine transportation sector:

- (a) mandatory vessel traffic routes;
- (b) ship routes or fairways;
- (c) vessel traffic separation schemes;
- (d) areas to be avoided by vessels;
- (e) vessel restrictions based on precautionary or prohibited areas;
- (f) vessel restrictions based on particularly sensitive sea areas (PSSAs);
- (g) lightering areas;
- (h) moving safety (buffer) and security zones around LNG Tankers;
- (i) pilot boarding areas;
- (j) safety zones around oil spill response operations; and
- (k) any other appropriate spatial management measure for the marine transportation sector.

**Spatial management of seaport activities**

**115.** The following spatial management measures may be imposed in relation to the seaport sector:

- (a) safety zones around vessels and terminals;
- (b) anchoring and no-anchoring grounds or areas;
- (c) security zones in ports and waterways;
- (d) offshore port zones for oil or LNG transfers;
- (e) any other appropriate spatial management measure for the seaport sector.

**Spatial management of fisheries activities**

**116.** The following spatial management measures may be imposed in relation to the fisheries sector:

- (a) fishery closure areas, including seasonal closures;
- (b) no-trawl areas;
- (c) critical habitat designations;
- (d) artificial reef areas;
- (e) any other appropriate spatial management measure for the fisheries sector.

**Spatial management of mariculture activities**

**117.** The following spatial management measures may be imposed in relation to the mariculture sector:

- (a) areas designated for mariculture;
- (b) any other appropriate spatial management measure for the mariculture sector.



**Spatial management of oil and gas activities**

**118.** The following spatial management measures may be imposed in relation to the offshore oil and gas sector:

- (a) oil and gas lease or concession areas;
- (b) areas withdrawn from offshore oil and gas leasing;
- (c) safety zones around offshore installations;
- (d) any other appropriate spatial management measure for the offshore oil and gas sector.

**Spatial management of marine renewable energy activities**

**119.** The following spatial management measures may be imposed in relation to the marine renewable energy sector:

- (a) offshore wind farms;
- (b) wave parks;
- (c) tidal gardens;
- (d) marine renewable energy lease or concession areas;
- (e) areas withdrawn from marine renewable energy leasing;
- (f) safety zones around offshore wind farms, wave parks, tidal gardens;
- (g) any other appropriate spatial management measure for the marine renewable energy sector.

**Spatial management of offshore pipeline and cabling activities**

**120.** The following spatial management measures may be imposed in relation to the offshore pipeline and cable sector:

- (a) pipeline rights-of-way or areas;
- (b) communications cable rights-of-way;

- (c) cable line areas (not always in rights-of-way); and
- (d) any other appropriate spatial management measure for the offshore pipeline and cable sector.

#### **Spatial management of sewage activities**

**121.** The following spatial management measures may be imposed in relation to the sewage sector:

- (a) sewer lines;
- (b) sewer diffuser areas; and
- (c) any other appropriate spatial management measure for the sewage sector.

#### **Spatial management of deep-sea mining activities**

**122.** The following spatial management measures may be imposed in relation to the deep sea mining sector:

- (a) deep sea aggregate extraction areas;
- (b) any other appropriate spatial management measure for the deep-sea mining sector.

#### **Spatial management of offshore dredging activities**

**123.** The following spatial management measures may be imposed in relation to the offshore dredging sector:

- (a) dredging sites or areas;
- (b) dredged material disposal areas or sites (active and inactive);
- (c) any other appropriate spatial management measure for the offshore dredging sector.

**Spatial management of seawater desalination activities**

**124.** The following spatial management measures may be imposed in relation to the seawater desalination sector:

- (a) seawater desalination areas or sites;
- (b) brine disposal areas or sites (active and inactive);
- (c) any other appropriate spatial management measure for the seawater desalination sector.

**Spatial management of military activities**

**125.** The following spatial management measures may be imposed in relation to the military sector:

- (a) military operations or exercise training areas;
- (b) danger, restricted or security areas;
- (c) missile testing ranges and marine live fire ranges;
- (d) submarine operating areas;
- (e) water space management for submarine operations;
- (f) sonar operating zones;
- (g) safety and security around naval vessels;
- (h) unexploded ordinance areas;
- (i) any other appropriate spatial management measure for the military sector.

**Spatial management of recreational activities**

**126.** The following spatial management measures may be imposed in relation to the marine recreational sector:

- (a) marine wildlife viewing areas;

- (b) personal watercraft areas;
- (c) channels for entry and exit of watersports craft;
- (d) watersport craft operation areas;
- (e) watersport non-motorized operating areas;
- (f) scuba diving, free diving and snorkeling operations;
- (g) passenger submarine operating areas; and
- (h) any other appropriate spatial management measure for the marine recreational sector.

**Spatial management of ocean-based historical and cultural activities**

**127.** The following spatial management measures may be imposed in relation to the ocean-based historical and cultural sector:

- (a) protected archaeological areas;
- (b) submerged archaeological sites; and
- (c) any other appropriate spatial management measure for the ocean-based historical and cultural sector.

**Spatial management of ocean-based religious activities**

**128.** The following spatial management measures may be imposed in relation to the ocean-based religious sector:

- (a) ceremonial sites;
- (b) sites for collecting materials for ceremonies;
- (c) marine worship areas;
- (d) any other appropriate spatial management measure for the ocean-based religious sector.

**Spatial management of conservation-focused activities**

**129.** The following spatial management measures may be imposed in relation to the nature conservation sector:

- (a) fish spawning areas;
- (b) fish nursery areas;
- (c) marine mammal breeding areas;
- (d) marine mammal feeding areas;
- (e) marine mammal migration routes;
- (f) marine mammal stop-over areas;
- (g) feeding and coastal nesting areas;
- (h) seabird feeding areas;
- (i) seagrass beds;
- (j) coral reefs and artificial reefs including breakwaters;
- (k) wetlands;
- (l) marine nature reserves or ecological reserves (no-take, no-access, no-impact zones);
- (m) marine wilderness areas;
- (n) marine parks;
- (o) marine monuments;
- (p) habitat or species management areas;
- (q) protected seascapes and landscapes;
- (r) managed-resource protected areas;
- (s) any other appropriate spatial management measure for the nature conservation sector.

### **Spatial management of marine research activities**

**130.** The following spatial management measures may be imposed in relation to the marine research sector:

- (a) scientific reference sites;
- (b) any other appropriate spatial management measure for the marine research sector.

### *Miscellaneous Marine Spatial Planning Matters*

### **Regulations**

**131.(1)** The Minister may make regulations in respect of the following:

- (a) the provision of data, statistics, documents and any other relevant information that may be necessary for the development of a marine spatial plan from the MSPU;
- (b) collecting and responding to public representations;
- (c) the process for preparing a marine spatial plan, or for modifying or revoking an existing approved plan;
- (d) categories of zones that may be used in a marine spatial plan;
- (e) monitoring and conducting reviews of any existing approved marine spatial plan;
- (f) the classification, demarcation, administration, management, use and control of designated marine areas;
- (g) marine spatial plan administration, compliance and enforcement;
- (h) public participation and access to information with respect to the marine spatial plan;
- (i) the payment of fees and fines pursuant to this Part; and

- (j) any other matter that is required for the effective implementation of marine spatial planning under this Act.
- (2) In making regulations under this Act, the Minister shall take into account
  - (a) the purpose of this Part;
  - (b) the guiding principles articulated under this Part; and
  - (c) the Marine Spatial Plan Policy and Plan objectives.

**Monitoring of, and periodical reporting on implementation of marine spatial plan**

- 132.**(1) The MSPU in accordance with any regulations made under this Act, shall provide an annual marine spatial plan report to the Minister that includes the information specified in subsection (2).
- (2) The information to be included is
    - (a) a statement detailing the implementation status of all management measures adopted;
    - (b) all data collected that is relevant to the achievement of the purposes of this Part; and
    - (c) the results of all MSP research, whether or not the research was undertaken by the MSPU, that is relevant to the achievement of the purposes of this Part; and
    - (d) any other relevant information.
  - (3) The Minister may at any time, in writing, request the MSPU to provide any information referred to in subsection (2), if available, that is specified in the request, and the MSPU must provide the information, if available, within a reasonable period specified by the Minister.
  - (4) The MSPU shall ensure the use of the best available data and information and the sharing of information necessary for marine spatial planning.

**Conflict resolution**

**133.** The MSPU shall

- (a) ensure cooperation between sector agencies; and
- (b) where necessary, resolve user to user conflicts and user to environment conflicts, including relocations, and trade-offs or other resolutions between sectors.

**Regional marine spatial plans**

**134.(1)** The Minister may with the approval of Cabinet, enter into any regional marine spatial planning arrangements that will be beneficial to Barbados.

(2) Regional marine spatial planning regulations may be developed by the Minister, where

- (a) there are overlapping maritime claims in the continental shelf area of Barbados with another state;
- (b) it is necessary to do so to promote marine conservation and preserve biodiversity in areas beyond national jurisdiction;
- (c) it is necessary in the interests of cross-border cooperation on one or more maritime activities; or
- (d) it is necessary in the particular circumstances.

**Approved pre-existing marine activities**

**135.** Licences, permits, certificates, approvals or other permissions that are lawfully issued prior to the effective date for a marine spatial plan and allow an activity use, development, or other action to occur within the plan area are valid either for 1 year or for the duration of the approval, whichever is lesser, after which time such approvals and activities shall comply with the requirements of the marine spatial plan.



## PART VIII

## INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM

**Objectives of this part**

**136.** The objectives of this Part are to establish and sustain a national integrated system of coastal and ocean observing systems, comprising of government and non-government components coordinated at the national level by the Coastal Zone Management Unit and at the regional level by a network of regional coastal and ocean observing systems, and that includes, *in situ*, remote and other coastal and ocean observation and modelling capabilities, technologies, data management systems, and product development systems, and is designed to address national and regional needs for coastal and ocean information, to gather specific data on key coastal and ocean variables, and to ensure timely and sustained dissemination and availability of these data to

- (a) the public;
- (b) support national defence and search and rescue operations;
- (c) support coastal and ocean commerce;
- (d) marine navigational safety;
- (e) weather, climate and marine forecasting;
- (f) siting for marine development activities;
- (g) ocean-based economic development;
- (h) ecosystem-based coastal and marine resource management;
- (i) public safety, public outreach and education;
- (j) promote increased public awareness and stewardship of coastal and ocean resources;

- (k) enable easy access to coastal and ocean data and promote coastal and ocean data sharing between government and non-government sources and promote public data sharing;
- (l) encourage advances in scientific understanding to support the sustainable use, conservation, management and understanding of healthy coastal and ocean resources to ensure that Barbados can respond to opportunities to enhance food, economic and national security;
- (m) monitor and model coastal and ocean changes, including in relation to chemistry, harmful algal blooms, hypoxia, water levels, water temperature, and other phenomena;
- (n) improve Barbados' ability to measure, track, observe, understand and predict events directly and indirectly related to weather, climate, natural climate variability and interactions between oceanic and atmospheric environments, including freshwater-seawater interactions;
- (o) sustain, update and modernize Barbados' coastal and ocean observing infrastructure to detect changes and ensure delivery of reliable and timely information; and
- (p) authorize activities that
  - (i) promote the basic and applied research to develop, test and deploy innovations and improvements in coastal and ocean observation technologies;
  - (ii) protect and preserve healthy, and rehabilitate degraded coastal and ocean ecosystems;
  - (iii) ensure a strong maritime safety and security system in respect of all human activities occurring at sea; and

- (iv) safeguard Barbados' maritime sector from the economic implications of the lack of or inadequate national hydrographic services.

### **Management of the integrated coastal and ocean observation system**

**137.** The Integrated Coastal and Ocean Observation System shall be managed by the Coastal Zone Management Unit, in collaboration with its other affiliated units.

### **Regional coastal and ocean observation system**

**138.** The Coastal Zone Management Unit, may lead the establishment of a Regional Coastal and Ocean Observation System, which shall be managed by an organizational body that is established by contract or memorandum with Coastal Zone Management Unit and regional level States and private interests, with the responsibility of engaging public and private sectors in designing, operating and improving regional coastal and ocean systems, for the provision of data and information that meet the needs of user groups from respective Caribbean regions.

### **Elements: national coastal and ocean observation system**

**139.** In order to fulfill the objectives of the National Coastal and Ocean Observation System, the system shall be national in scope and consist of

- (a) government assets to fulfill national and international coastal and ocean observation missions and priorities;
- (b) private investor or developer assets to fulfill national coastal and ocean observation missions and priorities;
- (c) non-government assets, including a network of regional coastal and ocean observation systems to fulfill regional and national coastal and ocean observation missions and priorities;

- (d) observing, modelling, data management and communication systems for timely integration and dissemination of data and information products from the National Coastal and Ocean Observation System, including data collection procedure reviews at the national and regional level, to make recommendations for data collection standards across the National Coastal and Ocean Observation System to meet national coastal and ocean observation, applied research, and weather forecasting needs;
- (e) product development system to transform observations into products in a readily usable and understandable format;
- (f) coastal and ocean research and development program conducted under the guidance of Coastal Zone Management Unit.

**Policy, oversight, administration and coordination**

**140.** The CZMU, shall perform the following:

- (a) identify and create programmes or projects to meet the objectives specified under section 136;
- (b) prepare annual and long-term plans for the integrated design, operation, maintenance, enhancement and expansion of the Integrated Coastal and Ocean Observation System to meet the objectives specified under section 136;
- (c) develop and transmit to the Minister an annual and coordinated comprehensive budget to
  - (i) operate all elements of the national coastal and ocean observation system;
  - (ii) ensure continuity of data streams from government and non-government assets;
  - (iii) establish requirements for observation data variables to be gathered by both government and non-government assets and

identify, in consultation with national and regional coastal and ocean observing systems, priorities for the Integrated Coastal and Ocean Observation Systems observations;

- (iv) establish and define protocols and standards for the Integrated Coastal and Ocean Observation System data processing, management, collection, configuration standards, formats, and communication for new and existing assets throughout the System network and similarly applied to large data management requirements;
- (v) develop contract requirements for each coastal and ocean observation system to
  - (A) establish eligibility for integration into the Integrated Coastal and Ocean Observation System;
  - (B) ensure compliance with all applicable standards and protocols;
  - (C) ensure that national and regional observations are integrated into the Integrated Coastal and Ocean Observation System on a sustained basis;
- (vi) identify gaps in observation coverage or needs for capital improvements of both government and non-government assets;
- (vii) perform such additional functions in respect of national and regional coastal and ocean observation systems.

## PART IX

### PRO-BLUE TOURISM

#### **Definitions**

**141.** For the purposes of this Part,

“blue tourism” means the analysis and evaluation of coastal and maritime tourism at the global level, comprising a regional sector review, as well as scalable regional initiatives to strengthen maritime governance and environmental management in the coastal and maritime sector.

“coastal and maritime tourism” means land-based tourism activities including swimming, surfing, sunbathing, and other coastal recreation activities.

“Integrated Coastal Zone Management” means a dynamic, multidisciplinary and iterative process to promote sustainable management of coastal zones;

“Marine Spatial Planning” means an integrated, policy-based approach to the regulation, management and protection of the marine environment, including the allocation of space that addresses multiple, cumulative and potentially conflicting uses of the sea and thereby facilitates sustainable development which involves a public process of analyzing and organizing human activities within marine areas to achieve ecological, economic and social objectives;

“maritime tourism” means sea-based activities such as boating, yachting, cruising and nautical sports as well as their land-based services and infrastructure.

### **Pro-Blue tourism policy**

**142.**(1) There is hereby established a policy to be known as the “Pro-Blue Tourism Policy”

(2) The objectives of the Pro-Blue Tourism Policy are to

- (a) protect and enhance the coastal and marine tourism industry;
- (b) promote the resilience of coastal and marine ecosystems, communities and assets to climate change;
- (c) respect natural processes in planning for and managing current and future risks to people and assets from coastal hazards and climate change;

- (d) promote a diversity of experiences in the coastal and marine tourism industry;
- (e) promote the ecologically sustainable use and development of the coastal and marine tourism industry and its resources in appropriate areas; and
- (f) build scientific understanding of ecologically sustainable coastal and marine tourism.

### **Guiding principles**

**143.** The following drivers shall be mentioned when referring to the Pro-Blue Tourism Policy to ensure all objectives are met:

- (a) population growth is evident as more hotels, beach houses and guest houses are being built and as a result, the pressure on the recreational infrastructure is increasing;
- (b) ageing infrastructure in terms of jetties and boardwalks;
- (c) climate change looking at rising sea levels.

### **Approval of Pro-Blue tourism policy**

**144.(1)** The Pro-Blue Tourism Policy shall be approved by Cabinet and shall have effect immediately upon the commencement of this Act.

(2) Within 5 years of the coming into force of the Act and every 5 years thereafter, the Coastal Zone Management Unit shall evaluate and review in consultation with the Ministry responsible for Tourism and update the Pro-Blue Tourism Policy.

(3) The policy shall be approved by the Minister in writing after evaluation by the Coastal Zone Management Unit.

### **Establishment of Pro-blue tourism plan**

**145.** There is hereby established a plan to be known as the “Pro-Blue Tourism Plan”.

### **Objectives**

**146.** The objectives of the Pro-Blue Tourism Plan are to

- (a) apply a sustainable approach to the development of the coastal and marine sector;
- (b) ensure all elements of the environment are carefully surveyed and analyzed;
- (c) mainstream and promote green jobs through sustainable tourism;
- (d) identify potential and committed local partners;
- (e) build effective collaboration among tourism stakeholders;
- (f) strengthen the framework that promotes sustainable tourism;
- (g) strengthen regulatory frameworks and associated penalties to curtail unsustainable tourism practices; and
- (h) plan and manage blue tourism sustainably.

### **Pro-Blue Tourism Plan**

**147.(1)** The Pro-Blue Tourism Plan shall be approved by Cabinet and shall have effect immediately upon the commencement of this Act.

(2) Within 5 years of the coming into force of the Act and every 5 years thereafter, the Coastal Zone Management Unit shall evaluate, review in consultation with the Ministry of Tourism and update the Pro-Blue Tourism Plan.

(3) The plan shall be approved by the Minister in writing after evaluation by the Coastal Zone Management Unit.



## PART X

### OFFENCES AND PENALTIES

#### **Assaulting, obstructing Director etc.**

**148.** A person who assaults or obstructs the Director, other staff or coastal zone inspector in the execution of his duty is guilty of an offence.

#### **Restricted or prohibited area**

**149.** A person who

- (a) enters, uses or is found in a restricted area contrary to the terms of that restricted area; or
- (b) is not authorized to enter a prohibited area who enters or is found in prohibited area

is guilty of an offence and is liable on conviction on indictment to a fine of \$100 000 or to imprisonment for a term of 10 years or to both.

#### **Removal of material from the beach**

**150.(1)** A person who removes, aids or assists another in removing, any vegetation, sand, stones, shingle or gravel from any part of the beach, coast, coastal marine area, designated marine area or other prohibited area without a permit is guilty of an offence.

(2) Subsection (1) does not apply where the material to referred to in that subsection,

- (a) is removed by or on behalf of the Director for the purpose of carrying out coastal protection, stabilization or scientific research; or
- (b) is removed by the owner or occupier of land, with written permission from the Director, from a beach or coastal location in a coastal marine area, in a designated marine area or other prohibited area in which the

owner or occupier lives for his own domestic purpose and the amount of the material does not exceed 5 kilograms.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on conviction on indictment to a fine of \$100 000 or to imprisonment for a term of 10 years or to both.

### **Prohibition on harvesting coral**

**151.(1)** A person who

- (a) harvests any coral in Barbados, its territorial waters or its exclusive economic zone without a permit; or
- (b) for the purposes of trade, imports into Barbados or exports from Barbados any coral or any item manufactured in whole or in part from coral without a permit

is guilty of an offence and is liable on conviction on indictment to a fine of \$100 000 or to imprisonment for a term of 10 years or to both.

(2) A person who sells or otherwise trades in any coral or any item manufactured in whole or in part from coral without a permit is guilty of an offence and is liable on conviction on indictment to a fine of \$100 000 or to imprisonment for a term of 10 years or to both.

### **Fouling of beach**

**152.** A person who

- (a) fouls any part of the beach or foreshore by the deposit of offal, garbage or other waste;
- (b) deposits or buries in the beach sand any leaves, debris or flotsam; or
- (c) deposits or leaves garbage or any other waste,

is guilty of an offence and is liable on conviction on indictment to a fine of \$100 000 or to imprisonment for a term of 10 years or to both.

### **Damage to coral**

**153.(1)** A person who

- (a) uses any explosive, poison or other noxious substance for the purpose of harvesting coral or catching, taking or harvesting fish or fauna;
- (b) permits any explosive, poison or other noxious substance to be used for that purpose;
- (c) carries, or has in his possession or control, or is found on any boat carrying, any explosive, poison or other noxious substance in circumstances indicating the intention to use such explosive, poison or other noxious substance for the purpose of harvesting coral or catching, taking or harvesting fish or fauna;
- (d) releases or causes to be released any pollutant into the environment;
- (e) except in an emergency, casts or drags any anchor in such a way as to damage any coral reef;
- (f) causes physical damage to any coral reef, fish, fauna or other coastal resource;
- (g) performs any form of construction on any area of coral reef without a permit or physical development permission; or
- (h) removes any area of coral reef or coral reef habitat,

is guilty of an offence and is liable on summary conviction to a fine of \$1 600 per square metre of coral reef or to imprisonment for a term of 5 years or to both.

(2) Any explosive, poison or other noxious substance found on board any boat is presumed, unless the contrary is proved, to be intended for the purpose of harvesting coral or catching, taking or harvesting fish.

(3) A boat or any dynamite or other explosive substance or poison or noxious material found in the possession of a person who is arrested for the commission of an offence under this Part may be seized by the person making the arrest.

(4) For the purpose of this section, a certificate as to the cause and manner of death or injury to any coral reef

- (a) caused by a noxious substance, poison or chemical, shall be signed by the Director of Analytical Services or by the Director of the Coastal Zone Management Unit; or
- (b) caused by explosives, anchors, dredging, filling operations or other activities that damage coral, coral reefs or other marine habitats shall be signed by the Director, or such other person as the Director may designate in writing,

and shall be admitted as prima facie evidence in court without proof of signature of the person purporting to have signed the certificate.

(5) For the purpose of subsection (4), the defendant to proceedings brought under this section is entitled to 14 days notice in writing of the intention of the prosecution to produce the certificate in evidence.

(6) Where a boat seized under subsection (3) is owned by a person convicted under subsection (1), a magistrate may order that the boat be forfeited to the State.

#### **Forfeiture of coral**

**154.(1)** The court shall, in addition to imposing a penalty specified in section 153 on a person who has been convicted, order that the coral that was the subject matter of the offence be forfeited to the State.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on conviction on indictment to a fine of \$100 000 or to imprisonment for a term of 10 years or to both.

#### **Forfeiture of vehicles**

**155.(1)** Where any vehicle, boat or other means of conveyance is used by any person in the removal of vegetation, sand, stones, shingle or gravel from the beach

or from any designated area, a coastal zone inspector or a police officer with or without a warrant

- (a) may seize or detain the vehicle, boat or other means of conveyance; and
  - (b) may lay an information in relation thereto before the magistrate of the district.
- (2) The magistrate may, on due proof that the vehicle, boat or other means of conveyance has been used by its owner in the commission of an offence of which the owner has been convicted, order that the vehicle, boat or other means of conveyance be forfeited to the State.
- (3) A person who contravenes subsection (1) is guilty of an offence and is liable on conviction on indictment to a fine of \$100 000 or to imprisonment for a term of 10 years or to both.

## PART XI

### MISCELLANEOUS

#### **Measurement of high water mark**

**156.** Any observations or measurements to determine the high water mark shall be made at the time of the highest run up of waves, which is defined by the limit of the wave run up of the high tide nearest to the first or last quarter of the lunar month occurring on the third or fourth day before or after the day of a full moon.

**Position of high water mark**

**157.(1)** Where the high-water mark moves inland of the boundary line of a land unit due to the erosion of the coast, sea-level rise or other causes and remains inland of that boundary line for a period of 3 years, the owner of that land unit

- (a) loses ownership of any portion of that land that is situated below the high water mark; and
- (b) is not entitled to compensation from the State for that loss of ownership, unless the movement of high-water mark was caused by an intentional or negligent act by an organ of state and was a reasonably foreseeable consequence of that act or omission.

(2) If accretion occurs, whether as a result of natural processes or human activities, land which formed part of the seashore on the commencement of this Act and which subsequently becomes situated inland of the high water mark as a result of a change in the position of the high water mark remains coastal public property and does not become part of any adjoining property unless the property is bounded by the high water mark or extends to a stated distance from the high water mark.

**Measures affecting erosion and accretion**

**158.(1)** No person, owner or occupier of land adjacent to the seashore or other coastal public property capable of erosion or accretion may require any organ of state or any other person to take measures to prevent the erosion or accretion of the seashore or such other coastal public property or of land adjacent to coastal public property, unless the erosion is caused by an intentional act or omission of that organ of state or other person.

(2) No person may construct, maintain or extend any structure or take other measures on coastal public property to prevent or promote erosion or accretion of the seashore except as provided for in this Act.

- (3) Any land that is determined to be accreted land formed
  - (a) whether before or after the commencement of this Act, wholly or primarily as a result of the construction of coastal engineering structures, *inter alia* groynes, breakwaters, breakwater sills, beach engineered anchoring design or other sediment-trapping device using public or private funds, is the property of the State; or
  - (b) formed, whether before or after the commencement of this Act, wholly or primarily as a result of a beach nourishment project using public or private funds, is the property of the State.
- (4) For the avoidance of doubt, whether by custom, prescription, practice, easement or otherwise, the public has the right to access, use and enjoy all the beaches of Barbados.

#### **Power to institute proceedings**

**159.** Where an offence is created by this Act, the Director, an inspector, or a member of the Police Force may, in respect of that offence, institute proceedings in a court.

#### **Coastal zone related research**

**160.(1)** No person, organization or research institution shall undertake research or survey operations in the waters of Barbados except with the prior written permission of the Minister.

(2) Subsection (1) applies to research or survey operations undertaken in the exclusive economic zone of Barbados by an international organisation or agency of which Barbados is a member under and in accordance with a detailed international project to which the Government of Barbados has given its formal approval.

(3) An application to undertake research or survey operations in the waters of Barbados shall be made to the Minister in the prescribed form and shall be

supported by a detailed plan of the research or survey operations to be undertaken.

(4) The Minister may on the advice of the Director grant permission for any vessel, organisation or person to undertake research and survey operations in the waters of Barbados and may exempt such vessel, organisation or person from any provisions of this Act or regulations.

(5) Any permission or exemption granted under this section shall

- (a) be in writing;
- (b) be for such period as the Minister determines; and
- (c) be subject to the following conditions
  - (i) such scientific observers or other personnel as the Minister may designate shall be allowed on board the research or survey vessel and shall be allowed to participate fully in the research or survey project both on board the vessel and on shore;
  - (ii) copies of any raw data generated by the research or survey operations shall be submitted in electronic format to the Director at the end of the operations or during the course of such operations as the Director may require;
  - (iii) the results and conclusions of the research or survey operations shall be submitted in the form of research reports to the Director as soon as practicable following the completion of the operations and in any case no later than the time specified for the submissions of the results and conclusions in the written permission given by the Minister; and
  - (iv) copies of any publications arising out of the research or survey operations shall be submitted to the Director.

(6) The Minister may on the advice of the Director attach such other conditions to or rescind any permission granted under subsection (1) as he considers necessary.



(7) Where any of the conditions referred to in subsection (5) or (6) have been breached or permission cancelled, no further permission for research or survey operations shall be granted to the person, organization or research institution concerned until such time as the corrective action has been taken to the satisfaction of the Minister.

(8) Any person or organisation that undertakes or assists in any research in the waters of Barbados

- (a) without permission under subsection (1); or
- (b) in contravention of any condition attached to the permission under subsection (4),

is guilty of an offence and liable on conviction on indictment to a fine of \$500 000 or a term of imprisonment of 10 years or to both.

#### **Approved local research institution**

**161.(1)** The Minister may designate in writing any local scientific or academic institution as an approved local research institution for the purposes of this Act if the Minister is satisfied that the research will not have a negative impact on the coastal processes and the resources of the coastal zone management area

(2) It shall be a condition of the designation of an institution under subsection (1), that the institution shall

- (a) submit to the Director at least 3 months before the intended commencement of the research project, such detailed information on the research project, as the Director may require;
- (b) submit to the Director a list of research projects previously undertaken, as well as a summary of the results and conclusions of any such projects completed during that period, where required to do so;
- (c) give the Director access to the result of any completed research project and any data generated by or during the course of the project;

- (d) submit to the Director, at least once a year a list, of research projects to be undertaken in the coming year;
  - (e) submit to the Director such other information regarding research projects as he may require; and
  - (f) comply with such other conditions as the Director may require in relation to the proper management of the coastal zone, and the observance of the international obligations of Barbados.
- (3) It shall be a condition of the designation of an institution under subsection (1), that the status as an approved local research institution may be reviewed and rescinded at any time by the Minister.
- (4) An approved local institution designated under subsection (1) shall be registered in a database maintained by the Coastal Zone Management Unit.
- (5) Research projects submitted to the Director pursuant to subsection (2)(c) shall be lodged in the Coastal Zone Management Unit's library.

#### **Orders relating to accretion, avulsion and alluvial**

**162.** The Director may, after consultation with stakeholders, and with the approval of the Minister, specify in an order other coastal area protection requirements in respect of land adjoining coastal areas that have undergone

- (a) accretion;
- (b) avulsion; or
- (c) alluvion.

#### **Protection from personal liability**

**163.** No liability shall lie personally against

- (a) any member, officer or employee of the Coastal Zone Management Unit, Marine Managed Areas Unit or Marine Spatial Planning Unit;
- (b) a coastal zone inspector; or

(c) a law enforcement officer,  
performing duties under this Act.

### **Sharing of information**

**164.** The Coastal Zone Management Unit, Marine Managed Areas Unit or Marine Spatial Planning Unit may disclose information which it receives to

- (a) an authorized officer; or
  - (b) a duly authorized representative of the government of another country,
- in connection with the enforcement of this Act.

### **Prohibition of publication or disclosure of information of unauthorized persons**

**165.** No person shall, without the consent in writing given by or on behalf of the

- (a) Coastal Zone Management Unit;
- (b) Marine Managed Areas Unit;
- (c) Marine Spatial Planning Unit

publish or disclose any information other than in the course of his duties.

### **Confidentiality of data and information**

**166.(1)** The Minister may classify any data or information as confidential in the interest of national security.

(2) Every person, having an official duty under this Act or being employed or otherwise connected with the administration of this Act shall, before assuming duty, subscribe to an oath to keep all information received secret and confidential.

(3) Every person who had an official duty under this Act or was employed in the administration of this Act shall, after such duty or employment is terminated,

maintain the confidentiality of all information or documents received during the course of that duty or employment.

(4) Notwithstanding subsections (1), (2) and (3), confidential data or information shall be disclosed

- (a) where required by law enforcement agencies for the purpose of law enforcement, national security, surveillance, search and rescue and other emergencies;
- (b) where the entity or person providing the data and information authorizes the disclosure; or
- (c) where necessary to advise the Minister on matters relating to national security.

(5) The Minister may, in consultation with the Director, declassify any data or information that is classified as confidential.

(6) A person who contravenes subsection (2), (3) or (4) is guilty of an offence and liable on summary conviction to a fine of \$50 000 or to imprisonment for 6 months or to both.

### **Confidentiality**

**167.(1)** No employee or agent of the Coastal Zone Management Unit shall

- (a) use, either directly or indirectly, any confidential information obtained as a result of that employee's or agent's relationship with the Coastal Zone Management Unit for the employee's or agent's own benefit or advantage; or
- (c) disclose confidential information obtained as a result of his relationship with the Coastal Zone Management Unit to any person other than
  - (i) an authorized official; or

- (ii) a duly authorized representative of the government of another country in connection with the enforcement of this Act or any other law.

(2) A person who receives confidential information from a person specified in subsection (1) is subject to the provisions of this section as if the person were a person specified in subsection (1).

(3) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for 6 months or to both.

### **General penalties**

**168.(1)** A person who is guilty of an offence under this Act for which no other penalty is provided is liable on summary conviction to a fine of \$150 000 or to imprisonment for a term of 2 years or to both.

(2) Where subsidiary legislation made under this Act creates an offence, the subsidiary legislation may provide for such offences to be tried summarily or on indictment and the subsidiary legislation may prescribe the following penalties:

- (a) in the case of an offence triable summarily, a fine not exceeding \$150 000 or imprisonment for a term of 2 years or both;
- (b) in the case of an offence triable on indictment, a fine not exceeding \$300 000 or imprisonment for a term of 5 years or both.

### **Regulations**

**169.** The Minister may make regulations generally for the purpose of giving effect to this Act and in particular make regulations for

- (a) the care, control and management of the designated marine areas or any coastal zone management area;

- (b) the protection of coral reefs, flora or fauna in any designated marine area or any coastal zone management area and for the specific protection of such flora and fauna in the event of a disaster;
- (c) prohibiting or regulating any of the following in any designated marine area or any coastal zone management area
  - (i) diving
  - (ii) fishing;
  - (iii) navigation and anchoring of vessels or any class thereof;
  - (iv) watersports; and
  - (v) ports, jetties, wharfs, piers, slips or docks;
- (d) the protection of wrecks in any designated marine area or any coastal zone management area;
- (e) the preparation and implementation of the coastal zone management plan and coastal zone management area;
- (f) the use of any designated marine area or any coastal zone management area including such areas which are designated as restricted areas or prohibited areas;
- (g) fees to be prescribed for the use of or services provided in a designated marine area and any coastal zone management area;
- (h) procedure for the seizure and confiscation of any flora, fauna, wreck or any part thereof taken in contravention of the regulations and the procedure for the seizure of any vehicle, vessel or other means of conveyance whatsoever upon which the same may be found;
- (i) the safety of navigation and the regulation of marine traffic;
- (j) the conservation of the resources in coastal zones and marine areas;
- (k) the preservation of the marine environment of Barbados and the prevention and control of pollution thereto;

- (*l*) the interactive viewing of marine fauna such as turtles, whales, dolphins and rays;
- (*m*) the provision of haul out points in designated marine areas;
- (*n*) the grant of permits for the use of designated marine areas, coastal zone management areas or marine areas and the conditions to be attached thereto;
- (*o*) fees or forms for application for and the granting of permits for the use of designated marine areas, coastal zone management areas or marine areas, and the conditions to be attached thereto;
- (*p*) the suspension or revocation of permits for the use of designated marine areas, coastal zone management areas or marine areas, and the conditions to be attached thereto;
- (*q*) the implementation and enforcement of the integrated coastal zone management plan;
- (*r*) the sustainable use of coastal resources; and
- (*s*) coastal public property including regulations concerning
  - (i) public access to coastal public property;
  - (ii) the rehabilitation of coastal public property;
  - (iii) research conducted within, or in respect of, coastal public property.

#### **Amendment of Schedules**

**170.** The Minister may by order amend the *First, Second, Third* and *Fourth Schedules*.

#### **Prohibited and restricted areas**

**171.(1)** The Minister, may by order designate an area to be a prohibited area or a restricted area.

- (2) No person other than the Coastal Zone Management Unit or a person given written authorization to do so by the Unit may enter a prohibited area.
- (3) The use or access to a restricted area by the public or persons authorized by the Coastal Zone Management Unit shall only be in the manner specified by the Unit.

### **Transitional**

- 172.**(1) Notwithstanding the commencement of this Act, a permit issued under section 23 of the former Act shall remain valid for the period stated in the permit.
- (2) A fishing licence issued under an enactment before the commencement of this Act shall remain valid until it expires or is sooner revoked.
  - (3) A licence or permit issued in respect of offshore oil and gas or offshore mining activities under an enactment in force immediately before the commencement of this Act shall remain valid until it expires or is sooner revoked.
  - (4) Nothing in subsection (1) implies that an existing affected licence holder has a right to, or a legitimate expectation of
    - (a) any renewal or extension of a licence; or
    - (b) the grant of any further licence.

### **Savings**

- 173.**(1) The statutory instruments saved under the *Coastal Zone Management Act*, Cap. 394 shall be deemed to be saved hereunder.
- (2) The statutory instruments saved under subsection (1) are:
    - (a) *Beach Protection (Prohibited Area) Order, 1958* (L.N. 1958 No. 80);
    - (b) *Clinketts Bay Beach Protection (Prohibited Area)( No. 2) Order, 1963* (L.N. 1963 No. 84)



- (c) *Foul Bay Beach Protection (Prohibited Area) Order, 1964* (L.N. 1964 No. 64);
- (d) *Marine Area ( Preservation and Enhancement)(Designation of Restricted Areas Order, 1981* (S.I. 1981 No. 30); and
- (e) *Marine Areas (Preservation and Enhancement)(Barbados Marine Reserve) Regulations, 1981* (S.I. 1981 No. 28).

(3) The enactments specified in this section shall continue in force and be construed with such exceptions and modifications to give effect to the provisions of this Act until revoked by statutory instruments made under this Act.

#### **Repeal of Cap. 394**

**174.** The *Coastal Zone Management Act*, Cap. 394 is repealed.

**FIRST SCHEDULE**

*(sections 8, 14, 15, 18, 19 and 170)*

*Public Consultation Procedure*

- 1.** The Minister shall have a public consultation with the relevant stakeholders and the members of the public when considering

  - (a)* the implementation of a coastal management plan; or
  - (b)* delimiting a coastal zone management area or designated marine area.
- 2.** The Minister shall by instrument in writing appoint a person to conduct the public consultations required by paragraph (1).
- 3.** A person appointed to conduct a public consultation may

  - (a)* publish or send such information to the public as the Minister approves;
  - (b)* arrange for the use of the such venue as the Minister approves,
  - (c)* have such stakeholder consultations or public consultations as the circumstances may require; and
  - (d)* have such persons as are considered suitable to make presentations to the stakeholder or the public on the subject matter of the public consultation.
- 4.** The name of every person appointed by the Minister to hold a public consultation under this Act shall be published in the *Official Gazette*.
- 5.** Notice of the date appointed by the Minister for the public consultation shall be published in the *Official Gazette* and in a daily newspaper circulated in Barbados or by other electronic media with the first such notice being given not less than 2 weeks before the date so appointed for the public consultation, and the notice shall be repeated once every 4 days until the period for the public consultation is closed.

6. Notice of the matter to be considered at the public consultation and the place where the information can be collected or accessed electronically shall be published in the *Official Gazette* and in a daily newspaper circulated in Barbados with the first such notice being not less than 2 weeks before the date so appointed.
7. A notice published under paragraph 6 shall carry the following disclaimer “*The Minister shall not be bound to accept, apply or use the content of an oral or written submission made by a person at a public consultation but shall act in the public interest.*”
8. A public consultation may be held over a period of days but shall be no longer than 28 days.
9. Each person at a public consultation shall be given an opportunity to make an oral submission or a written submission.
10. Notwithstanding paragraph 9, the person in charge of the public consultation shall regulate the proceedings of the consultation and fix the dates, place and time therefor.
11. Any person who is unable to appear in person at a public consultation, may do so electronically.
12. The Director shall attend or may be represented at a public consultation convened in accordance with this Act.

## SECOND SCHEDULE

(section 37 and 170)

### Coastal Zone Protection Notice

Serial No. (of notice.....)

#### COASTAL ZONE PROTECTION NOTICE TO PAY FIXED PENALTY

##### PART I

Name (in block capitals) .....

Address (in block capitals) .....

Permit No. ....

On the .....day of 20..... at.....  
 you did contravene section 37 of the *Integrated Coastal and Marine Management Act, 2025* (Act  
 2025- ) in that you  
 (set out contravention).....  
 (Name of person) is required to pay ..... to the Clerk of District .....  
 Magistrate's Court by the ..... day of .....  
 20 .

Details or particulars of contravention :

(1)

(2)

(3)

Name of Director.....

Signature.....

Date.....

##### PART II

Serial No. (of notice) (.....)

To (insert name and address of Director of Coastal Management Unit)

I (Name of Person ) hereby confirm that I have paid the sum of \$ as payment of the fixed penalty for the contravention in Part I of this notice. I further exhibit as proof of payment the attached receipt, which was issued to me at the time of the payment.

Name.....

Address (in block capitals).....

.....

Signature.....

Date.....

### PART III

Serial No. (of notice) (.....)

To: (insert name and address of Director of Coastal Zone Management Unit)

I (Name of Person ) hereby give notice of my objection to the allegation of any contravention, as stated in PART I of this notice. Accordingly I have not paid the required sum.

Name.....

Address (in block capitals).....

.....

Signature.....

Date.....

**THIRD SCHEDULE***(Sections 94 and 170)*

*Integrated Coastal and Marine Management Act, 2025*  
 (Act 2025- )

*Financing Mechanisms for Marine Spatial Planning*

<b>Financing Mechanism</b>	<b>Revenue Source</b>
<b><i>Government Revenue Allocations</i></b>	
Direct allocations from government budgets	Government budget revenues; taxpayers
Government bonds and taxes earmarked for MSP	Taxpayers; bond-purchasing investors
<b><i>Grants and Donations</i></b>	
Bilateral and multilateral donors	Donor agencies
Foundations	Individuals, corporations
Non-Governmental Organizations (NGOs)	NGO members and supporters
Private sector	Investors
Conservation trust funds	Multi-source

*Third Schedule - (Cont'd)*

<b>Financing Mechanism</b>	<b>Revenue Source</b>
<b><i>Tourism Revenues</i></b>	
Sustainability-related fees (imposed on resident marine users, tourists and non-residents)	Locals and tourists
Diving fees	Divers
Yachting fees	Yachting industry
Tourism-related operations of protected area agencies	Tourism operators; tourists
Voluntary contributions by tourists or tourism operators	Tourism operators; tourists
<b><i>Energy Revenues</i></b>	
Royalties and fees from offshore oil/gas, offshore energy farms, offshore energy parks	Energy companies
Right-of-way fees for oil/gas pipelines	Energy companies
Oil spill fines and funds	Energy companies
Voluntary contributions by energy companies	Energy companies
<b><i>Mining Revenues</i></b>	
Royalties and fees from offshore mining companies	Mining companies
Voluntary contributions by offshore mining companies	Mining companies

*Third Schedule - (Concl'd)*

<b>Financing Mechanism</b>	<b>Revenue Source</b>
<b><i>Fishing Revenues</i></b>	
Tradeable fishing quotas	Commercial fishers
Fish-catch and service levies	Commercial fishers
Eco-labelling and product certification	Seafood producers, wholesalers, retailers and end-use purchasers
Fishing access payments	Governments; associations of and/or individual fishers
Recreational fishing license fees and excise taxes	Recreational fishers
Aquaculture and mariculture permit and license fees	Aquaculture and mariculture industry
<b><i>Marine Transportation Revenues</i></b>	
Oil spill fines and funds	Marine transportation industry
Voluntary contributions by merchant shipping industry	Marine transportation industry
Voluntary contributions by seaports	Seaport community
Voluntary contributions by marinas	Marina community



**FOURTH SCHEDULE**

*(Sections 95, 102 and 170)*

**PART I**



*Integrated Coastal and Marine Management Act, 2025*  
(Act 2025- )

*Marine Spatial Plan Compliance Certificate*

Issued under the authority of the Government of Barbados, pursuant to section 95 of the *Integrated Coastal and Marine Management Act, 2025* (Act 2025- ).

Particulars:

Description of marine use or activity: \_\_\_\_\_

Details of person(s)/organization engaged in such marine use or activity:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Fourth Schedule - (Cont'd)*

## THIS IS TO CERTIFY:

1. That the marine use or activity has been inspected in accordance with the *Integrated Coastal and Marine Management Act, 2025* (Act 2025- ).
2. That the inspection shows that the marine use or activity is compliant with an in-force marine spatial plan for Barbados.

Completion date of inspection on which this certificate is based: \_\_\_\_\_  
 (dd/mm/yyyy)

Issued at: \_\_\_\_\_  
 (Place of issue)

Date of issue: \_\_\_\_\_  
 (dd/mm/yyyy)

This Certificate is valid for 5 years from the date it was issued.

Signature of General Manager, Marine Spatial Planning Unit: \_\_\_\_\_  
 (Signature)

*Fourth Schedule - (Cont'd)*

*(Sections 96, 102 and 170)*

PART II



*Integrated Coastal and Marine Management Act, 2025*  
(Act 2025- )

*Marine Spatial Plan Compatibility Certificate*

Issued under the authority of the Government of Barbados, pursuant to section 96 of the *Integrated Coastal and Marine Management Act, 2025* (Act 2025- ).

Particulars:

Description of marine use or activity: \_\_\_\_\_

Details of person(s)/organization engaged in such marine use or activity:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Fourth Schedule - (Cont'd)*

## THIS IS TO CERTIFY:

1. That the marine use or activity has been inspected in accordance with the *Integrated Coastal and Marine Management Act, 2025* (Act 2025- ).
2. That the inspection shows that the marine use or activity is compatible with an in-force marine spatial plan for Barbados.

Completion date of inspection on which this certificate is based: \_\_\_\_\_  
 (dd/mm/yyyy)

Issued at: \_\_\_\_\_  
 (Place of issue)

Date of issue: \_\_\_\_\_  
 (dd/mm/yyyy)

This Certificate is valid for 5 years from the date it was issued.

Signature of General Manager, Marine Spatial Planning Unit: \_\_\_\_\_  
 (Signature)

*Fourth Schedule - (Concl'd)*

*(Sections 102 and 170)*

PART III



*Integrated Coastal and Marine Management Act, 2025*  
(Act 2025- )

*Endorsements on Marine Spatial Plan Compliance/  
Compatibility Certificate*

Issued pursuant to section 102 of the *Integrated Coastal and Marine Management Act, 2025*  
(Act 2025- ).

This endorsement is granted following an annual inspection in respect of a \_\_\_\_\_

\_\_\_\_\_, and following that annual inspection,  
*(specify type of marine use or activity)*  
it was determined that the use or activity remains compliant/compatible with the marine  
spatial plan.

This endorsement subsists until the next annual inspection.

Issuing officer: \_\_\_\_\_  
*(Name)*

Signature: \_\_\_\_\_  
*(Signature)*

Date: \_\_\_\_\_  
*(dd/mm/yyyy)*