

CHAPTER 389

CAVES 2000-12

This Act came into operation on 5th September, 2000 by Proclamation (S.I. 2000 No. 70).

Amended by:

This Act has not been amended

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

2002

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Arrangement of Sections

1. Short title
2. Interpretation
3. Areas to be declared as caves
4. Compulsory acquisition
5. Directions
6. Environmental Management Plan
7. Annual report
8. Power to charge fees
9. Transitional
10. Offences
11. Award of compensation on conviction

**BARBADOS**CAVES
2000-12

An Act to provide for the control and management of caves and for related matters.

[Commencement: 5th September, 2000]

Short title

1. This Act may be cited as the *Caves Act*.

Interpretation

2. In this Act
“cave” means an area declared to be a cave under section 3(1);
“Company” means the Caves of Barbados Ltd., a company incorporated under the *Companies Act*, Cap. 308;
“Minister” means the Minister responsible for the Environment.

Areas to be declared as caves

- 3.(1) Subject to subsection (2), the Minister may by order declare an area of land in Barbados to be a cave for the purposes of this Act.

(2) The Minister in the exercise of the power granted under subsection (1) shall have regard to the fact that any area required by the Company for use as a cave under this Act should

- (a) be below the surface of the soil;
- (b) be naturally formed; and
- (c) be of cultural, educational, geological, recreational and scientific interest.

Compulsory acquisition

4. Any land required for use by the Company in connection with the development of a cave may be acquired

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

Directions

5. The Minister may give directions to the Company relating to matters of policy, and the Company shall give effect to those directions.

Environmental Management Plan

6.(1) The Company shall, not later than 3 months after the end of each financial year, prepare and submit to the Minister an Environmental Management Plan for the operation of a cave.

(2) The Environmental Management Plan referred to in subsection (1) shall include measures for monitoring

- (i) the quality of the air in a cave;
- (ii) the level of temperature in a cave;
- (iii) the level and quality of water in a cave;

- (iv) the level of noise in a cave;
- (v) the sanitary conditions to be observed in respect of a cave;
- (vi) any deterioration or destruction of a cave;
- (vii) any aspect pertaining to the environment inside a cave;
- (viii) any aspect of the operation of a cave that has an effect on the environment outside the cave;
- (ix) any aspect outside a cave that may affect the environment inside a cave;
and
- (x) the operation of a cave.

Annual report

7.(1) The Company shall as soon as possible after the end of each year, and not later than 3 months from the end of any year, submit to the Minister a report containing

- (a) an account of the performance of the activities and operations of the Company during the preceding year; and
- (b) a statement of the audited accounts of the Company.

(2) The Minister shall lay before Parliament a copy of the report referred to in subsection (1) as soon as is practicable after receiving that report.

Power to charge fees

8. The Company may, with the approval of the Minister, charge fees for the entry into or the use of a cave.

Transitional

9.(1) As from 5th September, 2000,

- (a) any person who was employed in the service of the National Conservation Commission immediately before that date and is

employed by the Company on that date shall be deemed to be transferred from the service of the National Conservation Commission to the service of the Company;

- (b) the persons transferred under paragraph (a)
 - (i) shall for all purposes be treated as if their employment in the service of the National Conservation Commission was employment in the service of the Company; and
 - (ii) shall, upon their transfer to the service of the Company, be employed under terms and conditions no less favourable than when they were employed in the service of the National Conservation Commission; and
- (c) all assets and liabilities of the National Conservation Commission with respect to the management and operation of caves are transferred to the Company.

(2) For the purposes of paragraphs (a) and (b) of subsection (1), service of the staff referred to in those paragraphs shall be aggregated with their service with the Company for the purpose of computing any pension or other retiring allowance to which they may be entitled.

Offences

- 10.(1)** Any person who, without lawful excuse,
- (a) breaks any calcite formation in a cave;
 - (b) takes samples of any calcite formation from a cave;
 - (c) removes from a cave any flora or fauna of any kind;
 - (d) digs or removes from a cave bones or artifacts;
 - (e) carries out on land above a cave, in a cave or near thereto dynamiting or quarrying operations resulting or likely to result in damage to the cave;

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- (f) interferes with or pollutes any watercourses, waterfalls, or watersheds in a cave;
 - (g) sinks any well or deepens any existing well or makes any substantial alterations to any well resulting or likely to result in damage to a cave; or
 - (h) deposits waste paper, rubbish or litter of any kind whatsoever in a cave, or in a sink hole within a protected area of a cave,

is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for 2 years or to both.

(2) A person who, having previously been convicted of an offence under subsection (1), is convicted of a subsequent offence is liable on summary conviction to a fine of \$100 000 or to imprisonment for 3 years or to both.

Award of compensation on conviction

11.(1) On the conviction of a person of an offence under section 10(1) the court may, on application or otherwise, and on being satisfied as to the approximate cost of making good the loss of or damage to the cave, order the person convicted to pay to the Company such sum by way of compensation in respect of the whole or part of the loss or damage to the cave as the court thinks fit.

(2) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the court shall take into account any sum paid or recovered as compensation under this section.

(3) For the purposes of this section “court” means magistrate’s court.