



Tonga

PARKS AND RESERVES ACT

Chapter 13.03

2020 Revised Edition



PARKS AND RESERVES ACT

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PARKS AND RESERVES ACT

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A PARKS AND RESERVES AUTHORITY AND FOR THE ESTABLISHMENT, PRESERVATION AND ADMINISTRATION OF PARKS AND RESERVES¹

Commencement [31st March, 1977]

PART I - PRELIMINARY

1 Short title

This Act may be cited as the Parks and Reserves Act.

2 Interpretation

In this Act, unless the context otherwise requires —

“**Authority**” means the Parks and Reserves Authority established under this Act;

“**Marine Reserve**” means a reserve of an area of sea;

“**Minister**” means the Minister responsible for lands;

“**Park**” means a park established under or pursuant to this Act;

“**Reserve**” means a reserve established under or pursuant to this Act; and includes marine reserves established under or pursuant to this Act.

PART II - PARKS AND RESERVES AUTHORITY

3 Parks and Reserves Authority established²

- (1) There shall be established a Parks and Reserves Authority whose members and numbers may be appointed and determined from time to time by the Cabinet.
- (2) Until the Cabinet has appointed and determined in accordance with subsection (1) hereof, the Minister shall be the Authority and he shall exercise all powers and do all things under and pursuant to this Act in the name and on behalf of the Authority.

4 Declaration of parks and reserves

- (1) The Authority may from time to time with the consent of Cabinet by Notice declare any area of land or sea to be a park or reserve for the purposes of this Act and in the same manner declare any park or reserve to cease to be such.³
- (2) All declarations under this section shall be published in the Gazette and they shall include the following —
 - (a) the name of the park or reserve, in this manner, “The (name) Park” or “The (name) Reserve”;
 - (b) the delineations and plan or map specifications of the area declared; and
 - (c) a clearly demarcated plan of the area in relation to its location.
- (3) All parks and reserves shall be registered and recorded in accordance with the provisions of the Land Act.⁴

5 Regulations⁵

The Authority may from time to time with the consent of Cabinet make regulations for all or any of the following matters —

- (a) prescribing conditions and restrictions the Authority may consider necessary for the protection, preservation and maintenance of natural, historical, scientific or other valuable features of any park or reserve;
- (b) prescribing fees and charges for admission to any reserve and in respect of any services rendered or facility provided in any reserve or park;
- (c) providing for employment of persons for any purpose which the Authority may consider necessary and for all matters relevant to or in connection therewith;
- (d) providing such other matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

6 Powers of the Authority

It shall be lawful for the Authority to do all or any of the following —

- (a) to erect signs, markings, notices, fences, buildings, or any other structure the Authority may consider necessary including roads, paths, gardens, fountains and the like;
- (b) to enter into agreements or arrangements with any person or persons or Government departments for the purposes of carrying into effect any object or any purpose of this Act;
- (c) to administer and apply in any way it may deem fit for the purposes of this Act any money which may accrue into its funds either from any appropriation by the Legislature in the annual estimate of the Government or from any other source;
- (d) to appoint or engage and discipline or dismiss any person either permanently or temporarily for any purpose which it may consider necessary;
- (e) to issue warnings and notices, either to the public at large or to any persons or class of persons, in any manner it may deem fit.

PART III - PARKS AND RESERVES

7 Parks

Every park, subject to any conditions and restrictions which the Authority may impose, shall be administered for the benefit and enjoyment of the people of Tonga and there shall be freedom of entry and recreation therein by all persons.

8 Reserves

Every reserve, subject to any conditions and restrictions which the Authority may impose, shall be administered for the protection, preservation and maintenance of any valuable feature of such reserve, and activities therein and entry thereto shall be strictly in accordance with any such conditions and restrictions.

9 Marine

Every marine reserve shall be administered for the protection, preservation and control of any aquatic form of life and any organic or inorganic matter therein.

10 Demarcation of reserves

Every reserve shall be clearly demarcated or fenced and a plan of the same posted on a notice board which shall be erected on a vantage point in such reserve.

PART IV - GENERAL PROVISIONS

11 Offences

Every person who without the authorisation of the Authority wilfully does any of the following acts, namely —

- (a) alters, damages, destroys, removes or in any way interferes with any feature whether organic or inorganic in any reserve or park;
- (b) damages, destroys, removes, defaces or in any way interferes with any notice, fence, building or any structure or growth in any reserve or park;
- (c) deposits, throws or leaves any rubbish or any thing in any park or reserve except in a place or receptacle provided for the purpose;
- (d) obstructs, interferes or disobeys any instructions of any person authorised by the Authority in any park or reserve in the execution of his duty; or
- (e) commits an offence against this Act or against any regulations made under this Act,

shall be liable upon conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 3 months, or both.⁶

12 Magistrate's Court jurisdiction

All prosecutions for offences against this Act and any regulations made thereunder shall be made by the police, the Fisheries Division of the Government (in respect of marine reserves only), or the Authority itself, in the Magistrate's Court for the District in which such offence shall have been committed.

13 Saving

Nothing in this Act shall affect any provisions in any other enactment.

ENDNOTES

¹ **1988 Revised Edition Cap. 89** - Acts 11 of 1976 and 20 of 1988

² Amended by Act 42 of 2010

³ Amended by Acts 20 of 1988 and 42 of 2010

⁴ Cap. 46.02

⁵ Amended by Act 42 of 2010

⁶ Amended by Act 20 of 1988