

REPUBLIC OF KIRIBATI
(No. 21 of 1996)

I assent,

Beretitenti
Assented: 6th December 1996

**AN ACT TO PROVIDE FOR RECREATIONAL RESERVES AND FOR
CONNECTED PURPOSES**

Commencement:
1996

MADE by the Maneaba ni Maungatabu and Assented to by the Beretitenti.

PART I

PRELIMINARY

Short Title

1. This Act may be cited as the Recreational Reserves Act 1996.

Interpretation

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

“Administrator” means the person for the time being appointed under section 3 to administer recreational reserves;

“Reserve” means a recreational reserve established under section 4.

PART II

RECREATIONAL RESERVES ADMINISTRATOR

Establishment of Recreational Reserves Administrator

3. There shall be a Recreational Reserves Administrator who shall be appointed and may be removed from office by the Minister acting in accordance with the advice of the Public Service Commission.

Declaration of Reserves

4. (1) The Minister acting in accordance with the advice of the Cabinet may by Notice declare any area of land owned or leased by the Government of Kiribati to be a recreational reserve for the purposes of this Act and in the same manner declare any reserve to cease to be such.

(2) All declarations made under this section shall be published in at least one newspaper publication generally available in Kiribati and they shall include the following:

- (a) the name of the park or reserve, in this manner, “The (name) Recreational Reserve,”; and
- (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.

Reserves on leased land

5. Notwithstanding section 4 of this Act, where a reserve is located on land leased to the Government, the declaration of the Minister declaring that land to be a recreational reserve shall only be effective during the term of the lease and at the end of the term of the lease that land shall be deemed to have been leased to be a reserve.

Regulations

6. The Minister may, acting in accordance with the advice of the Cabinet, make regulations for –

- (a) prescribing conditions and restrictions the Minister may consider necessary for the protection, preservation and maintenance of natural, historical, scientific or other valuable features of any reserve;
- (b) prescribing fees and charges for admission to any reserve and in respect of any service rendered or facility provided in any reserve;

- (c) providing for employment of persons for any purpose which the Minister 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.

Functions of the Administrator

7. Subject to any regulations made under this Act, it shall be lawful for the administrator to do all or any of the following –

- (a) to erect signs, markings, notices, fences, buildings, or any other structure the Administrator 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 collect all fees and all charges payable under this Act;
- (d) subject to Section 99 of the Constitution, to appoint or engage and discipline or dismiss any person either permanently or temporarily for any purpose which he may consider necessary;
- (e) to issue warnings and notices, either to the public at large or to any persons or class or persons, in any manner he may deem fit.

Administrator to Report

8. The Administrator shall present a written report to the Minister on or before 1 February of each year on the condition of all Reserves and shall account to the Minister by 1 March each year for all money received by the Administrator in relation to the Reserves for the year ending on 31 December immediately past and for all moneys spent by the Administrator in relation to the National Reserves for the year ending on 31 December immediately past such accounts to be audited by the Auditor General.

Limit of liability of Administrator

9. No liability shall attach to the Administrator in respect of any breach of duty imposed on him by this Act and no liability shall attach to the Republic for any such breach.

PART III

RESERVES

Reserves

10. Every reserve, subject to any regulations made under this Act shall be administered for the provision of recreational areas for the people of Kiribati and 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 regulation.

Demarcation of Reserves

11. 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

Offences

12. Every person who without the authorisation of the Administrator 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 reserves; or
- (b) damages, destroys, removes, defaces or in any way interferes with any notice, fence, building or any structure or growth in any reserve; or
- (c) deposits, throws or leaves any rubbish or any thing in any reserve except in a place or receptacle provided for the purpose; or
- (d) obstructs, interferes or disobeys any instructions of the Administrator or any person authorised by the Administrator in any reserve in the execution of his duty; or
- (e) in any other way contravenes this Act or any regulations made under this Act,

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding \$1000 or to imprisonment for a term not exceeding 1 year, or both.

Magistrates Court jurisdiction

13. All prosecutions for offences against this Act and any regulations made thereunder shall be heard and determined at first instance in the Magistrates Court for the District in which such offence is alleged to have been committed.

Fees and charges to be Government revenue

14. All fees and charges collected under this Act shall form part of the Government revenue.

Public Finance (Control and Audit) Ordinance to apply

15. The collection custody and handling of and accounting for all fees and charges prescribed under this Act shall be made in accordance with the applicable financial regulations made, directions or instruction given from time to time under the Public Finance (Control and Audit) Ordinance (Cap. 79).

Saving

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

THE RECREATIONAL RESERVES ACT 1996

EXPLANATORY MEMORANDUM

The purpose of the Act is to provide for land owned or leased by the government of Kiribati to be reserved for recreational purposes for the use and enjoyment of the people of Kiribati.

It further provides for the establishment of an Administrator to administer the Parks, the administrator will be accountable to the Minister of Environment and Social Development for the administration of the reserves.

The Act gives the power to make regulations for various purposes concerning the use of Reserves and for the Administrator to construct facilities which will enhance the reserves as recreational facilities.

Offences in relation to reserves are also provided for the protection and preservation of the reserves and the facilities in them.

Michael N. Takabwebwe
Attorney General
9 October 1996