

ENVIRONMENTAL PLANNING AND PROTECTION (SPOT FINES) REGULATIONS, 2024

Arrangement of Regulations

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**ENVIRONMENTAL PLANNING AND PROTECTION ACT,
2019
(NO. 40 OF 2019)**

**ENVIRONMENTAL PLANNING AND PROTECTION (SPOT
FINES) REGULATIONS, 2024**

The Minister in exercise of the powers conferred by section 65 of the Environmental Planning and Protection Act, 2019, makes the following Regulations —

1. Citation.

These Regulations may be cited as the Environmental Planning and Protection (Spot Fines) Regulations, 2024.

2. Spot fines.

The fines payable for spot fine offenses are set out in Part I of the Schedule.

3. Notice.

The notice pursuant to section 60A of the Environmental Planning and Protection Act, 2019 shall be in the Form as set out in Part II of the Schedule.

SCHEDULE

(regulation 2)

PART I

SPOT FINES

	OFFENCE	LAW	FINE \$
1.	Commencing project works without approval of Certificate of Environmental Clearance	<i>Section 11(2) of the Environmental Planning and Protection Act, 2019</i>	10,000
2.	Damage to coral reefs	<i>Section 20(1) of the Environmental Planning and Protection Act, 2019</i>	20,000
3.	Non-compliance with Notice of Non-Protected Wildlife	<i>Section (1)(2) of the Environmental Planning and Protection Act, 2019</i>	20,000
4.	Non-compliance with Environmentally Sensitive Areas and Species Order	<i>Section 23(3) of the Environmental Planning and Protection Act, 2019</i>	20,000
5.	Non-compliance with Closed Area Order	<i>Section 24(3) of the Environmental Planning and Protection Act, 2019</i>	10,000
6.	Non-compliance with Pollution Control Permit	<i>Section 26(1) of the Environmental</i>	20,000

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		<i>Planning and Protection Act, 2019</i>	
7.	Discharge of hazardous substance into Bahamian waters	<i>Section 30(2) of the Environmental Planning and Protection Act, 2019</i>	20,000
8.	Falsifying or Misleading Information	<i>Sections 27, 30(c) and 33 of the Biological and Traditional Knowledge Act, 2021</i>	10,000
9.	Breach of Scientific Research Permit	<i>Section 41(3) of the Environmental Planning and Protection Act, 2019</i> <i>Section 23(1) and 25 of the Biological and Traditional Knowledge Act, 2021</i>	15,000
10.	Conducting research without Scientific Research Permit	<i>Section 41(2) of the Environmental Planning and Protection Act, 2019</i> <i>Section 26 of the Biological and Traditional Knowledge Act, 2021</i>	20,000
11.	Damage to environment and death or harm to persons	<i>Section 55(1) of the Environmental Planning and Protection Act, 2019</i>	20,000

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		<i>Section 35(1) of the Biological and Traditional Knowledge Act, 2021</i>	
12.	Discharge to water resource	<i>Section 56(1) of the Environmental Planning and Protection Act, 2019</i>	20,000
13.	Obstruction of environmental officers	<i>Section 58(a) and (b) of the Environmental Planning and Protection Act, 2019</i>	5,000
14.	Unauthorized use of single use plastic bags and utensils, and Styrofoam food containers	<i>Section 7(3) of the Environmental Protection (Control of Plastic Pollution) Act, 2019</i>	1,000
15.	Assaults, etc. of environmental officer in the execution of his duty	<i>Section 10(3) of the Environmental Protection (Control of Plastic Pollution) Act, 2019</i> <i>Section 58 of the Environmental Planning and Protection Act, 2019</i>	5,000
16.	Unlawful possession of biological resources	<i>Section 28 of the Biological and Traditional Knowledge Act, 2021</i>	20,000

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17.	Unlawful export or transfer of biological resources	<i>Section 29 of the Biological and Traditional Knowledge Act, 2021</i>	15,000
18.	Failure to comply with any of the conditions specified in a permit	<i>Section 26 of the Biological and Traditional Knowledge Act, 2021</i>	15,000
19.	Failure to comply with any of the conditions specified in a certificate of environmental clearance	<i>Section 11(3) of the Environmental Planning and Protection Act, 2019</i>	20,000
20.	Solicitation of unauthorized confidential information	<i>Section 35(1) of the Biological and Traditional Knowledge Act, 2021</i>	20,000

Note: The description of an offence in the first column of this Schedule is only intended as an indication in general terms of the nature of the offence and is not to be construed in any way as altering or qualifying the provisions of the relevant Regulations or sections of the statute.

PART II
FORM OF NOTICE

**NOTICE OFFERING WAIVER OF APPEARANCE BEFORE MAGISTRATE AND
OF NO EVIDENCE OF THE COMMISSION OF OFFENCE BEING AVAILABLE**

TO: (Offender)
of
Licence No
Vessel Registration No.
Registered Owner's Name

Take Notice that I,
(rank and name of officer)

have reason to believe that the offence of
(name offence and give particulars) has been
committed by you

You may waive your obligation to appear before the Magistrate and have no conviction
for the offence recorded if you sign this notice in the appropriate place below admitting
guilt of the offence and returning the signed notice together with the fixed penalty of
\$..... before the day of 20..... to
the clerk of the Magistrate's Court # situated at
.....

Failure to return the signed notice together with the above sum in payment of the fixed
penalty in the manner and within the time specified above will result in your trial for the
above offence before the Magistrate of the aforementioned Magistrate's Court at
..... o'clock in the morning of20..... and for which trial
you are hereby requested to attend before that Magistrate at that time.

.....
Signature of Officer

I admit to the above offence and make the payment of the sum of \$

.....
Signature of Offender

Made this day of , 2024.

Minister responsible for the Environment