



**Tuvalu**

# **WILDLIFE CONSERVATION ACT**

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Tuvalu

## WILDLIFE CONSERVATION ACT

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Tuvalu

# WILDLIFE CONSERVATION ACT

## AN ACT TO PROVIDE FOR THE CONSERVATION OF WILDLIFE<sup>1</sup>

Commencement [29th May 1975]

### 1 Short title

This Act may be cited as the Wildlife Conservation Act.

### 2 Interpretation

(1) In this Act —

“**closed area**” means any area declared by the Minister under section 8(3) to be a closed area for the purposes of this Act;

“**fully protected bird or other animal**” means any bird or other animal declared by the Minister under section 3(1)(a) to be fully protected for the purposes of this Act;

“**partially protected bird or other animal**” means any bird or other animal declared by the Minister under section 3(1)(b) to be partially protected for the purposes of this Act;

“**unlawfully**” means otherwise than in accordance with this Act;

“**wildlife sanctuary**” means any area declared by the Minister under section 8(1) to be a wildlife sanctuary for the purposes of this Act;

“**wildlife warden**” means any person appointed a wildlife warden by the Minister under section 4 and includes an honorary wildlife warden so appointed.

(2) In this Act —

(a) every reference to part of a fully or partially protected bird or other animal shall include a reference to the meat thereof;

- (b) every reference to the product of a fully or partially protected bird or other animal shall include a reference to the skin or shell thereof or any part thereof howsoever cured, treated, polished, carved or otherwise worked.

### **3 Declaration by Minister of fully and partially protected birds and other animals**

- (1) The Minister may by notice declare any bird or other animal (other than a fish) to be —
  - (a) fully protected for the purposes of this Act, either throughout Tuvalu or in such area or areas as the Minister may designate;
  - (b) partially protected for the purposes of this Act, either throughout Tuvalu or in such area or areas as the Minister may designate, in which case the Minister shall specify in the notice the closed season for that bird or other animal which shall be the period between and inclusive of two dates in every year specified in the notice (hereinafter referred to as the closed season).
- (2) In this Act every reference to the designated area of a fully or partially protected bird or other animal shall be read and construed as a reference to the area or areas designated by the Minister under subsection (1) as the area or areas in which such bird or other animal is to be fully or partially protected, as the case may be:

Provided that where the Minister has under subsection (1) declared a bird or other animal to be fully or partially protected throughout Tuvalu every reference to the designated area of such bird or other animal shall be read and construed as a reference to the whole of Tuvalu.

- (3) For removing doubts it is hereby declared that the Minister may under subsection (1) designate one or more areas in which a bird or other animal is to be fully protected for the purposes of this Act and one or more areas in which that same bird or other animal is to be partially protected for the purposes of this Act.

### **4 Wildlife wardens**

The Minister may appoint wildlife wardens and every wildlife warden so appointed without remuneration shall be known as an honorary wildlife warden.

### **5 Prohibition of hunting etc. of fully and partially protected birds and other animals**

- (1) Subject to subsection (3), no person shall hunt, kill or capture any fully protected bird or other animal in its designated area or acquire or dispose of to

another person any fully protected bird or other animal unlawfully killed or captured or any part or product of such a bird or animal except under and in accordance with the terms of a valid written licence granted to that person by the Minister under this subsection.

- (2) Subject to subsection (3), no person shall hunt, kill or capture any partially protected bird or other animal in its designated area during the closed season for that bird or animal or acquire or dispose of to another person any partially protected bird or other animal unlawfully killed or captured or any part or product of such a bird or animal except under and in accordance with the terms of a valid written licence granted to that person by the Minister under this subsection.
- (3) The Minister may by notice declare that throughout Tuvalu or in such area or areas as the Minister may designate it shall be lawful to hunt and capture (but not kill) at any time such fully or partially protected bird or other animal as the Minister may specify.

## **6 Prohibition of searching for etc. eggs and nests of fully and partially protected birds and other animals**

- (1) No person shall search for, take or wilfully destroy, break or damage the eggs or nest of a fully protected bird or other animal in its designated area or acquire or dispose of to another person the eggs or nest of a fully protected bird or other animal unlawfully taken except under and in accordance with the terms of a valid written licence granted to that person by the Minister under this subsection.
- (2) No person shall search for, take or wilfully destroy, break or damage the eggs or nest of a partially protected bird or other animal in its designated area during the close season for that bird or animal or acquire or dispose of to another person the eggs or nest of a partially protected bird or other animal unlawfully taken except under and in accordance with the terms of a valid written licence granted to that person by the Minister under this subsection.

## **7 Prohibition of hunting etc. wild turtles on land**

No person shall hunt, kill or capture any wild turtle on land except under and in accordance with the terms of a valid written licence granted to that person by the Minister under this section.

## **8 Wildlife sanctuaries and closed areas**

- (1) The Minister may by notice declare any area to be a wildlife sanctuary for the purposes of this Act.

- (2) No person shall in a wildlife sanctuary hunt, kill or capture any bird or other animal (other than a fish) or search for, take or wilfully destroy, break or damage the eggs or nest of any bird or other animal except under and in accordance with the terms of a valid written licence granted to that person by the Minister under this section.
- (3) The Minister may, where he is satisfied that it is necessary in the interests of preserving any wildlife, by notice declare any wildlife sanctuary or area within a wildlife sanctuary to be a closed area for the purposes of this Act.
- (4) The Minister may grant or renew a written licence to enter a closed area and any such licence may be so granted or renewed subject to such conditions as the Minister may determine which shall be written on the licence.
- (5) The Minister may by notice at any time revoke a licence granted under subsection (4).
- (6) No person shall enter or be in a closed area without a valid licence under subsection (4) or remain in a closed area after the expiry or revocation of his licence:  
Provided that this subsection shall not apply to —
  - (a) wildlife wardens;
  - (b) public officers acting in the course of their duty.
- (7) No person shall act in breach of any condition written on his licence under subsection (4).

## **9 Prohibition of possession of fully and partially protected birds and other animals and wild turtles etc. unlawfully acquired**

- (1) No person shall possess any fully or partially protected bird or other animal or any part or product thereof or any wild turtle or the egg or nest of a fully or partially protected bird or other animal unless that bird or other animal or part or product, or the bird or other animal from which the part or product derives, or wild turtle or egg or nest has been acquired by that person in accordance with this Act:  
Provided that this subsection shall not apply where possession of the bird or other animal or of the part or product, or of the bird or other animal from which the part or product derives, or of the wild turtle or of the egg or nest by the person in question commenced before this Act came into operation.
- (2) In any prosecution for an offence under this Act it shall be presumed that no fully or partially protected bird or other animal or any part or product thereof and no wild turtle or egg or nest of a fully or partially protected bird or other animal has been acquired in accordance with this Act and that no possession thereof commenced before this Act came into operation, unless the contrary is proved.

## 10 Offences

- (1) Any person who contravenes this Act shall be liable to a fine of \$200 and to imprisonment for 6 months.
- (2) A contravention of this Act shall be a cognizable offence for the purposes of the Criminal Procedure Code Act.<sup>2</sup>
- (3) Where any person is convicted of an offence under this Act the court shall order the forfeiture of any bird or animal or any part or product thereof or of any egg or nest in respect of which the offence was committed.

## 11 Powers of wildlife wardens

- (1) In addition to the powers conferred on a private person by section 21 of the Criminal Procedure Code Act a wildlife warden may, without an order from a magistrate and without a warrant, arrest —
  - (a) any person whom he suspects upon reasonable grounds of having committed an offence under this Act;
  - (b) any person who obstructs a wildlife warden while in the execution of his duty or who has escaped or attempts to escape from the lawful custody of a wildlife warden;
  - (c) any person in whose possession any creature or thing is found with reference to which he may reasonably be suspected of having committed an offence under this Act.
- (2) Whenever a person is arrested by a wildlife warden and the warden has reasonable grounds for believing that that person has about his person —
  - (a) any instruments connected with the kind of offence under this Act which he is alleged to have committed; or
  - (b) any other articles which may furnish evidence against him in regard to the offence under this Act he is alleged to have committed,the warden may search that person and place in safe custody all property other than necessary wearing apparel found upon him and shall without unnecessary delay deliver that property to a police officer.
- (3) The right to search an arrested person under this section shall not include the right to examine his private person.
- (4) Where any property has been taken from a person under this section and the person is not charged before any court but is released on the ground that there is no sufficient reason to believe that he has committed any offence, any property so taken from him shall be restored to him.
- (5) Any wildlife warden who has reason to suspect that any creature or article in respect of which an offence under this Act has been, is being or is about to be committed, is being conveyed, whether on any person or in any vehicle, package or otherwise, or is concealed or carried on any person in a public

place or concealed or contained in any vehicle or package in a public place for the purpose of being conveyed, may, without warrant or other written authority, detain and search any such person, vehicle or package and may take possession of and detain any such creature or article in respect of which he may reasonably suspect that an offence under this Act has been, is being or is about to be committed, together with the package, if any, containing it and may also detain the person conveying, concealing or carrying such creature or article.

## **12 Penalties for obstructing wildlife wardens**

Any person who wilfully obstructs a wildlife warden in the exercise of any power conferred on him by this Act shall be liable to a fine of \$10 and to imprisonment for 1 month.

## **13 Legal proceedings**

Proceedings for any offence under this Act may be instituted and undertaken before any court by a wildlife warden.

## **14 Regulations**

The Minister may make regulations —

- (a) regulating the form of licences under this Act and all matters connected therewith;
- (b) generally for the better carrying into effect of the provisions, objects and intentions of this Act.

## ENDNOTES

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<sup>1</sup> 1990 Revised Edition, Cap. 47 - Act 2 of 1975

<sup>2</sup> Cap. 10.05