



Tuvalu

**PARKS AND RECREATIONAL AREAS
SERVICES ACT**

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PARKS AND RECREATIONAL AREAS SERVICES ACT

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Tuvalu

PARKS AND RECREATIONAL AREAS SERVICES ACT¹

**AN ACT TO MAKE PROVISIONS FOR THE PROMOTION,
MANAGEMENT AND REGULATION OF NATIONAL PARKS,
RECREATIONAL AREAS AND USAGE OF FACILITIES.**

Commencement [9 July 2019]

PART 1 - PRELIMINARY

1 Short Title

This Act may be cited as the Parks and Recreational Areas Services Act.

2 Commencement

This Act shall come into force on a date appointed by the Minister.

3 Interpretation

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

“**Minister**” means the responsible for Public Works, Utility and Infrastructure;

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

“**Recreational activities**” includes traditional dancing and singing.

PART II - AUTHORITIES

4 Parks and Recreational Areas Authority

- (1) The Parks and Recreational Areas Authority shall consist of not less than 5 members appointed by the Minister.
- (2) Until the Minister has appointed and determined in accordance with subsections (1) and (3) hereof, the Minister shall be the Authority and shall exercise all powers and do all things under and pursuant to this Act; in the name and on behalf of the Authority.
- (3) The Authority appointed under subsection (1), shall include:
 - (a) The Secretary of the Department of Lands;
 - (b) The Secretary of the Ministry of Public Works, Utilities and Infrastructure;
 - (c) A representative of the Falekaupule;
 - (d) A representative of the Kaupule;
 - (e) The Director of Environment.

5 Functions of the Authority

The Authority shall, on the advice of cabinet, table a Progressive report to Parliament every two years on matters relating to the administration, management and control of parks.

6 Powers of the Authority

- (1) The Authority may, with the prior approval of the Minister, have the power to:
 - (a) erect signs, markings, notices, fences, buildings, or any other structure necessary including roads, paths, gardens and the like;
 - (b) 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) 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) charge fees relating to admission to land or buildings under their control;
 - (e) appoint or engage and discipline or dismiss any person either permanent or temporarily for any purpose which it may consider necessary;
 - (f) 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.

7 Declaration of Parks and Recreational Areas

- (1) The Authority may from time to time with the consent of Cabinet by notice declare any area of land or sea, acquired in accordance with the laws of Tuvalu, to be a Park or Recreational Area.
- (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 recreational area, in the manner, “ The (*name*) Park” or “ The (*name*) Recreational Area”;
 - (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 recreational areas shall be registered and recorded in accordance with the provisions of the Native Lands Act.

8 Acquisition of Crown Land for Parks and Recreational Areas

The Minister may, for the purpose of this Act:

- (a) authorise the acquisition of land and sea in accordance with the laws of Tuvalu;
- (b) authorise the reclamation of land in accordance with the Foreshore and Land Reclamation Act;
- (c) authorise the use of the acquired land under paragraph (a).

9 Demarcation of Parks and Recreational Areas

Every park shall be clearly demarcated or fenced and a plan of the same displayed on a notice board which shall be erected and seen by all.

PART III - CONTROL ON PARKS AND RECREATIONAL AREAS

10 Classification of Parks and Recreational Areas

- (1) Every park or recreational area shall, subject to any conditions and restrictions under this Act, be administered for the benefit and enjoyment of the people of Tuvalu and there shall be freedom of entry by all persons for the purposes therein.
- (2) For the purpose of this Act, the Minister may by order declare the classification of purpose and duration of activities allowed to take place in Parks and Recreational areas.

11 Parking

The Authority may designate parking areas and parking permits as prescribed by the Regulation.

12 Prohibition and Restriction of certain activities and items

- (1) For the purpose of protecting the areas and the users of the parks and recreational areas, a person must not, unless permitted by the Authority:
 - (a) take into a Park or Recreational area any live animals as prescribed by the Regulations;
 - (b) use any form of electricity generator, compressors or any other heavy energy consuming objects as may be prescribed by the Regulations;
 - (c) make any loud noise or cause unreasonable disturbance to neighbouring residences through audio sound systems as may be prescribed by the Regulation;
 - (d) organise, arrange or hold any activities in the form and manner under subsection (2);
 - (e) cut any plants, trees or remove any fixtures erected in the Park or Recreational Area.
- (2) Any person intending to use a Park or Recreational area in the manner prescribed under section (1) must first apply in writing to the Authority in the form and manner as may be prescribed by the Regulations.
- (3) Any person who is permitted to use a Park or Recreational area must pay a fee as prescribed by the Regulations.

13 Plan and layout of the Park and Recreational Areas

The Minister may give public notice about a proposed zoning plan for a park or recreational area and shall invite members of the public and other persons to make written submissions to the Minister, within a reasonable period of time before official declaration of a Park or Recreational area.

PART IV -GENERAL PROVISIONS

14 Offences

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

- (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 such;
- (c) deposits, throws or leaves any rubbish or anything in any park or recreational area 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 provisions therein or any Regulations made under this Act,

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

15 Commercial and Influencing Development and Costs

- (1) The Minister may, by public notice, declare a commercial activity to be prescribed commercial activity for a recreational area and at a specific area outlined in the public notice.
- (2) If the Minister resolves to making a declaration under subsection (1), the Minister shall have taken regard to the following:
 - (a) orderly and proper management of the area;
 - (b) the conservation of the cultural and natural resources of the area;
 - (c) the future or desirable use of the recreation area or areas adjacent to it;
 - (d) the likely cumulative effect of the proposed activity; and
 - (e) the contributions of potential parties and commercial activity agreements.

16 Savings

Nothing in this Act shall be deemed to be in derogation of any of the powers, rights and prerogatives of the Crown or any provision in any other enactment.

17 Regulations

The Minister may make Regulations for:

- (a) the management and maintenance of any structure, fixtures and facilities in the Parks and Recreational areas;
- (b) the use and purpose of the Park and Recreational areas;
- (c) the creation of public parks and recreational areas and the preservation of the fauna and flora in the parks and recreational areas;
- (d) the management and regulation of fishing in a public park;

- (e) the prevention and the manner of extinguishing of fires in a public park and the control of residential areas in the vicinity of a public park;
- (f) the provision and management of facilities for the benefit of persons visiting a public park;
- (g) the duties of inspectors and other staff; and
- (h) the prescribing of forms required under the Act.

ENDNOTES

¹ Act 10 of 2019

Commencement 9 July 2019