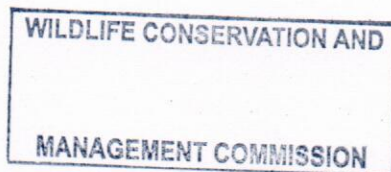


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# The Official Gazette OF GUYANA

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Wildlife Conservation and Management Act  
Wildlife Conservation, Management and Sustainable Use Regulations

Wildlife Conservation, Management and Sustainable use Regulations

These regulations are made by me, in exercise of the powers conferred upon me,  
by section 83 of the Wildlife Conservation and Management Act.

PART I

PRELIMINARY

- Citation.                   1. These Regulations may be cited as the Wildlife Conservation,  
Management and Sustainable use Regulations.
- Interpretation.           2. In these Regulations unless the context otherwise requires –
- (a) "Act" means the Wildlife Conservation and Management Act;
  - (b) "Amerindian" shall have the same meaning as defined in the  
Amerindian Act, Cap 29:01;
  - (c) "animal" means animal as defined in section 2 of the Act;
  - (d) "biodiversity" means the variability among living organisms from  
all sources including, *inter alia*, terrestrial, marine and other aquatic  
ecosystems and ecological complexes of which they are part; this  
includes diversity within species, between species and of  
ecosystems;
  - (e) "bushmeat" also known as "wildmeat" means the meat for human  
consumption derived from animals, and includes the fat, blood and  
flesh of any animal whether fresh, dried, tinned or otherwise  
preserved;

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- (f) "Closed Season" means the period or periods specified under regulation 6 during which it is illegal to capture, kill, hunt, or molest by any method or take in whole or in part any animal and any attempt to capture, kill, hunt, molest by any method and every act of assistance to take such animal shall have corresponding meaning;
- (g) "collecting" in relation to any animal or plant means the gathering, harvesting, receiving, in whole or in part of any animal or plant and also includes every attempt to take such animal or plant and every act of assistance to any person to take such animal or plant or parts or derivatives thereof and inflections have corresponding meaning;
- (h) "Commission" means the Commission established by section 4 of the Act;
- (i) "critically endangered" means species that are facing an extremely high risk of extinction in the wild;
- (j) "Cultivated or Domestic species" means species in which the evolutionary process has been influenced by humans to meet their needs;
- (k) "endangered" means species that are facing a very high risk of extinction in the wild;
- (l) "equipment" means all equipment which may be used to collect wildlife including airboats, cages, nets, arrows, gun traps, hook and line and any other trapping or hunting device or any device which may be used to collect animals or plants;

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**Wildlife Conservation and Management Act****Wildlife Conservation, Management and Sustainable Use Regulations**

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- (m) "exotic wildlife" means any wildlife species that is not native to Guyana;
- (n) "humane" means action which involves the least possible degree of pain and suffering practicable to the animal involved;
- (o) "hunting" means chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, searching for, shooting at, stalking or lying in wait for wildlife, whether or not the wildlife is then or subsequently captured, killed, taken or wounded, but does not include -
- (i) trapping or attempting to trap wildlife, or
  - (ii) stalking, attracting, searching for or lying in wait for wildlife by an unarmed person solely for the purpose of watching, filming or taking pictures of wildlife;
- (p) "licence" means a licence issued pursuant to the provisions of these Regulations;
- (q) "management" is the decision-making process that results in any of the following conservation, preservation, protection, sustainable use, rehabilitation or restoration;
- (r) "management programme" means a plan or programme developed in accordance with regulation 9;
- (s) "Occupier" means in relation to land, the person having for the time being the legal right of occupation thereof and includes any

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## Wildlife Conservation, Management and Sustainable Use Regulations

- employee or other person acting under the authority of any person in lawful occupation of the land;
- (t) "Open Season" means in relation to any species of wildlife, the period of time, outside the Closed Season, during which that wildlife may be collected, subject to the provisions of these Regulations;
- (u) "part" means any part of an animal or plant such as skin, shell, root and the like, whether raw or processed by preserving, polishing and similar methods which are readily identifiable;
- (v) "plant" means plant as defined in section 2 of the Act.;
- (w) "protected" means, in relation to wildlife, that collecting, holding in captivity, hunting, trapping, killing or otherwise molesting are prohibited and protection has a corresponding meaning.
- (x) "trapping" means taking, capturing or killing or attempting to take, capture or kill wildlife by any means or contrivance designed to enclose, capture, hold, ensnare or otherwise restrain an animal, whether that means or contrivance kills the animal or not;
- (y) "village lands" shall have the same meaning as defined in the Amerindian Act, Cap. 29:01;
- (z) "vulnerable" means species that are facing a high risk of extinction in the wild;

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Wildlife Conservation, Management and Sustainable Use Regulations

- (aa) "weapon" includes an air gun, blowpipe, set gun, trap gun, sling shot, bow and arrow, lethal barrel weapon and any article or equipment not mentioned herein that can be used to capture, kill, maim, hunt or collect wildlife and includes explosives and any component part or accessory of any of these;
- (bb) "wildlife" means wildlife as defined in section 2 of the Act;
- (cc) "wildlife conservation area" means a wildlife conservation area described under regulations 7 and 8;
- (dd) "Wildlife Scientific Committee" means the Wildlife Scientific Committee established under Section 8 of the Act.

PART II

GENERAL ADMINISTRATION

Functions of the  
Commission

3. The Commission shall, be responsible for the administration of these Regulations and shall discharge the following functions -
- (a) based on regular, sound scientific research determine the critical breeding periods and habitats for wildlife;
  - (b) identify populations at risk and populations in recovery and, as a consequence, declare any period of the year as Closed Season for wildlife collecting; and
  - (c) identify and implement programmes that ensure indigenous rights to natural resources are not disregarded as a consequence of inappropriate management practices or approved commercial ventures.



Wildlife Conservation and Management Act  
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PART III

WILDLIFE MANAGEMENT AND CONSERVATION

Classification of  
Wildlife.

- 4.(1) The Minister may, in consultation with the Commission and the Scientific Committee, by notice, declare any wildlife to be classified for the purposes of these Regulations.
- (2) For the purposes of these regulations wildlife may be classified in the following categories -
- (a) Vulnerable Species which shall be listed in Part I of the First Schedule;
  - (b) Endangered Species which shall be listed in Part II of the First Schedule; and
  - (c) Critically Endangered Species which shall be listed in Part III of the First Schedule;
- (3) Any institution or individual in possession of traditional knowledge scientific or anecdotal information indicating that the status of any species of wildlife has changed shall present such information to the Commission.
- (4) The Commission shall wherever possible, investigate all credible information and make the necessary addition(s) or deletion(s) to the Schedule(s).
- (5) All changes in classification shall be published in the Official Gazette and on the website of the Commission.

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**Wildlife Conservation and Management Act**

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**Wildlife Conservation, Management and Sustainable Use Regulations**

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- (6) Any notice published pursuant to paragraph (1) may be varied or cancelled by the Minister, on consultation with the Commission and Scientific Committee, by subsequent notice published in the Official Gazette.
- (7) The Minister may from time to time, by notice published in the Official Gazette, declare that any wildlife specified in the notice is for the purposes of these Regulations, wildlife which is critically endangered, endangered or vulnerable, or is otherwise in need of special protection and while such declaration is in operation such wildlife is protected throughout the whole of Guyana at all times.
- (8) A person commits an offence by collecting, holding in captivity, hunting, killing or otherwise molesting the wildlife referred to in paragraph (7) above, and is liable, notwithstanding any other provision of these Regulations, to the penalty specified in paragraph E of the Sixth Schedule of the Act.
- (9) Where it appears to the Commission, based on scientific data, that it will be for the benefit of wildlife conservation and maintenance of biodiversity that a particular species be classified, the Commission may make a recommendation to the Minister to do so.
- (10) On acceptance by the Minister of the recommendation pursuant to paragraph 9, the Commission shall be informed in writing of the acceptance and the First Schedule shall be deemed amended accordingly.

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## Wildlife Conservation, Management and Sustainable Use Regulations

- (11) In making its recommendations, the Commission shall consult with the Wildlife Scientific Committee and other relevant entities and persons.
- (12) The provisions of this regulation do not apply to wildlife identified for captive breeding or artificial propagation under the Act.

Minister may re-classify or delete.

5.(1) The Minister may, from time to time, on recommendation of the Commission, by notice published in the Gazette, delete or re-classify any wildlife or species of wildlife under this regulation and thereupon that wildlife or species of wildlife is deleted or re-classified as the case may be.

(2) Where the re-classification of any wildlife is due to a determination being made that such wildlife is critically endangered, endangered or vulnerable, the Commission shall within one year prepare a Management Plan that would specify the conservation activities that will be undertaken to either halt the continued decline of the population or assist in the stabilisation and or recovery of the species to a secure status.

(3) Where the species to be re-classified or deleted is endemic to a particular area, the local authority(ies) or any other institution with jurisdiction over that area must be consulted before such re-classification or deletion.

(4) The Management Programme shall be published in the Official Gazette.

Declaration of  
Closed season  
etc.

## Wildlife Conservation and Management Act

## Wildlife Conservation, Management and Sustainable Use Regulations

6.(1) The Commission shall, within twenty-one days of the commencement of each year, by notice published in the Official Gazette, declare a Closed Season in respect of wildlife specified in the notice.

(2) The Commission in consultation with the Wildlife Scientific Committee, and considering the traditional knowledge and traditional hunting practices of Amerindians, from time to time, by notice published in the Official Gazette, declare such Closed Season, in addition to that specified in paragraph (1), in respect of wildlife specified in the notice, and may place such restrictions on the taking and or disposal of such wildlife as deemed necessary.

(3) The Commission may, from time to time by notice published in the Official Gazette, vary the provisions and operations of a notice specified in paragraph (2).

(4) The notice shall be -

- (a) posted on the Commission's website;
- (b) published twice in a daily newspaper of general circulation throughout Guyana; and
- (c) communicated in any other manner as is best calculated to bring it to the attention of persons likely to be interested in the notice.

Agreement for  
Conservation  
area.

7.(1) The Commission may enter into an agreement with the Guyana Lands and Surveys Commission, the Guyana Forestry Commission or the Guyana Geology and Mines Commission, upon such terms and conditions as shall be mutually agreed, for any land or area under the control or authority of the Guyana Lands and Surveys Commission, the Guyana Forestry Commission or the Guyana Geology and Mines Commission for the use of the land or area for the management, conservation and protection of wildlife.

Wildlife Conservation and Management Act  
Wildlife Conservation, Management and Sustainable Use Regulations

- (2) Any agreement concluded pursuant to paragraph (1) may -
- (a) identify the species of wildlife;
  - (b) identify the status of the wildlife;
  - (c) require a map of the area involved;
  - (d) impose on the person who has an interest in the land obligations in respect of the use of the land;
  - (e) impose on the person who has an interest in the land restrictions on the exercise of rights over the land;
  - (f) provide for the carrying out of such work as may be expedient for the purposes of the agreement by any person or persons;
  - (g) provide for any matter for which a management programme relating to the area has been developed;
  - (h) provide for the making of payments by either party to the other party or to any other person; and
  - (i) contain incidental and consequential provision.

Agreements for private conservation area.

8.(1) The Commission may enter into agreements upon such terms and conditions as shall be mutually agreed with a private landowner, for the use of the land for the management, conservation and protection of wildlife.

- (2) Any agreement concluded pursuant to paragraph (1) may -
- (a) identify the species of wildlife;
  - (b) identify the status of the wildlife;
  - (c) require a map of the area involved;
  - (d) impose on the person who has an interest in the land obligations in respect of the use of the land;
  - (e) impose on the person who has an interest in the land restrictions on the exercise of rights over the land;

## Wildlife Conservation and Management Act

## Wildlife Conservation, Management and Sustainable Use Regulations

- (f) provide for the carrying out of such work as may be expedient for the purposes of the agreement by any person or persons;
- (g) provide for any matter for which a management programme relating to the area has been developed;
- (h) provide for the making of payments by either party to the other party or to any other person; and
- (i) contain incidental and consequential provision.

Preparation of  
management  
programme.

9.(1) The Commission shall, in respect of any agreement concluded pursuant to regulations 7 and 8, cause to be prepared a detailed written programme of the operations that the Commission proposes to undertake on or in relation to the area for such period, not exceeding ten years as is specified in the scheme.

(2) The objectives of the programme shall be the maintenance, care, study and restoration of the natural environment, the protection and care of wild animals and plants, the propagation thereof, the promotion of the study of wild animals and plants to which the scheme relates and such other objects relating to the conservation and protection of animals and plants as the Commission considers appropriate.

(3) The Commission shall prepare a written notice -

- (a) stating that copies of the written programme are available for inspection during office hours at a place stated in the notice;
- (b) inviting interested people to make written comments about the programme within the period stated in the notice.

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Wildlife Conservation and Management Act  
Wildlife Conservation, Management and Sustainable Use Regulations

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- (4) The notice shall be -
- (a) posted on the Commission's website, at Police Stations and Post Offices in the vicinity of the area to which the programme is related;
  - (b) posted in the office of the Regional Chairman in charge of the region in which the area is situated, in a conspicuous place in the building housing the, Office of the Regional Chairman and at each post office and police station within the area; and
  - (c) communicated in any other manner as is best calculated to bring it to the attention of persons likely to be interested in the notice.
- (5) A programme as described in paragraphs (1) and (2) shall also be prepared in consultation with all stakeholders, including (but not limited to) the Guyana Forestry Commission, the Guyana Lands and Surveys Commission, the Guyana Geology and Mines Commission, Village Councils and other local communities and individuals where applicable.
- (6) A programme prepared for an area under paragraph (1) is subject to existing rights under Amerindian titles, concessions, leases and permits granted in respect of an area and shall identify such existing rights.
- (7) At the conclusion of the period set by the Commission for consultation, and on consideration of the comments, if any, received by the Commission about the programme during the consultation period, the programme shall become final and operative.
- (8) A programme prepared in accordance with this regulation shall be the working plan for that area.

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Wildlife Conservation and Management Act

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- (9) No operations shall be undertaken on or in relation to any area of land in respect of which a working plan has been made in accordance with this regulation, unless those operations are in accordance with that plan.
- (10) A working plan made under this regulation may be varied from time to time or cancelled and another plan substituted, in consultation with all stakeholders.
- (11) A working plan made under this regulation may contain provisions for the Commission to carry out any work in connection with the improvement, development and maintenance of any area of land to which the plan relates, and the prevention and control of fires.
- (12) The Commission may arrange with the Minister responsible for the administration of State Lands or any statutory authority for the carrying out by that Ministry or statutory authority of any work authorised under a working plan to be carried out by the Commission in accordance with the plan.



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PART IV

LICENCES

Types of Licence.

10.(1) Licences in relation to wildlife under these regulations shall be in such form as may be prescribed, and shall be of the following kinds -

- (a) a Wildlife Trapping Licence
- (b) a Wildlife Collecting Licence;
- (c) a Wildlife Commercial Licence;
- (d) a Wildlife Recreational Licence;
- (e) a Captive Wildlife Licence; or
- (f) a Special Wildlife Licence.

(2) The Commission shall not grant a licence under these Regulations unless it is satisfied that the action authorised will not be detrimental to the survival of the population of the species concerned.

(3) The fees for the licences specified in sub-regulation (1) are set out in the Second Schedule.

(4) The Commission, may by notice published in the Official Gazette, amend the Second Schedule;

(5) The Commission shall obtain the written approval of the Minister, prior to the amendment of the Second Schedule.

Wildlife  
Trapping licence.

11.(1) Upon application to the Commission, a person may be issued, subject to such terms and conditions specified in the licence, a licence, hereinafter referred to as the "Wildlife Trapping Licence", that would permit the holder of such licence to trap wildlife.

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- (2) A Wildlife Trapping Licence shall -
- (a) be in such form as the Commission determines;
  - (b) specify the equipment which may be used, with special consideration of the requirement for humane trapping;
  - (c) require the licensee to demonstrate knowledge and skills of trapping, handling and care of the wildlife thus trapped;
  - (d) be valid for up to a period of one year, and may
  - (e) be renewable annually on application;
  - (f) not be transferable; and
  - (g) be subject to such other terms and conditions as specified by the Commission.
- (3) A Wildlife Trapping Licence may -
- (a) specify the sizes, numbers and species of wildlife to be trapped; and
  - (b) specify the location(s) from which they may be trapped.
- (4) At any time during trapping, the holder of a Wildlife Trapping Licence shall have in his or her possession a valid licence for the current period which shall be produced on demand to an Officer.
- (5) Every holder of a Wildlife Trapping Licence shall submit, on or before the date specified in the licence, a report that accurately sets out the numbers, dates and places of wildlife trapped by the holder.
- (6) A Village Council that proposes to trap wildlife for sale to either the holder of a Wildlife Collection Licence or the holder of a Wildlife Commercial Licence shall, before commencing such activities, apply to

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the Commission for a Wildlife Trapping Licence giving such particulars as the Commission shall require.

(7) On an application by a Village Council, the Commission may grant a single Wildlife Trapping Licence to that Village Council, on any or all of the following terms and conditions -

(a) the licence shall be subject to such terms and conditions as the Commission deems necessary for the conservation of wildlife and maintenance of biodiversity;

(b) the licence shall be used for the benefit of the Village;

(c) the licence shall provide for the minimum and maximum number of persons who may trap wildlife under the licence;

(d) no single member of the Village shall be permitted, without approval from the Village Council, to collect wildlife by virtue of the Licence granted to the Village under this regulation.

(8) A person who -

(a) engages in the trapping of wildlife without a Wildlife Trapping Licence; or

(b) contravenes the terms and conditions of the Wildlife Trapping Licence,

commits an offence and shall be liable to the penalties prescribed under paragraph A of the Sixth Schedule of the Act.

(9) A person who is convicted of an offence for the second time under paragraph (6) shall be permanently disqualified from holding or obtaining a Wildlife Trapping Licence.

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Wildlife Conservation, Management and Sustainable Use Regulations

Wildlife  
Collecting  
licence.

12.(1) Upon application to the Commission, a person may be issued, subject to such terms and conditions specified in the licence, a licence, hereinafter referred to as the "Wildlife Collecting Licence", that would permit the holder of such licence to collect wildlife.

(2) A Wildlife Collecting Licence shall -

- (a) be in such form as the Commission determines;
- (b) require the licensee to demonstrate knowledge and skills of handling, holding and care of the wildlife collected;
- (c) be valid for up to a period of one year;
- (d) be renewable annually on application;
- (e) not be transferable; and
- (f) be subject to such other terms and conditions as specified by the Commission.

(3) A Wildlife Collecting Licence may -

- (a) specify the sizes, numbers and species of wildlife to be acquired; and
- (b) specify the area in which the activity is to take place.

(4) At any time during collecting, the holder of a Licence shall have in his or her possession a valid licence for the current period which shall be produced on demand to an Officer.

(5) Every holder of a licence shall submit, on or before the date specified in the licence, a report that accurately sets out the numbers, dates and places of wildlife collected by the holder.

(6) A person who -

- (a) collects wildlife without a Wildlife Collecting Licence; or

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(b) contravenes the terms and conditions of the Wildlife Collecting Licence,

commits an offence and shall be liable to the penalties prescribed under paragraph A of the Sixth Schedule of the Act and shall be disqualified from holding or obtaining a Wildlife Collecting Licence for a period of two years.

(7) A person who is convicted of an offence for the second time under paragraph (5) shall be permanently disqualified from holding or obtaining a Wildlife Collecting Licence.

Wildlife  
Commercial  
licence.

13.(1) Any person who proposes to engage in activities to buy, sell or otherwise deal in wildlife on a local, commercial basis shall, before commencing such activities, apply to the Commission for a Commercial Licence giving such particulars as the Commission shall require.

(2) A Wildlife Commercial Licence shall -

- (a) be in such form as the Commission determines;
- (b) require the licensee to demonstrate knowledge and skills of handling, holding and care of the wildlife;
- (c) require the settlement of all debts to the holders of Wildlife Trapping Licences or Wildlife Collecting Licences;
- (d) be valid for up to a period of one year;
- (e) be renewed annually on application;
- (f) not be transferable;
- (g) be valid in respect of a single place of business;
- (h) be exhibited in a prominent place of the business premises; and
- (i) be subject to such other terms and conditions as specified by the Commission.

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- (3) A Wildlife Commercial Licence may –
- (a) specify the sizes, numbers and species of wildlife to be acquired;  
and
  - (b) specify the area in which the activity is to take place.
- (4) Every holder of a Licence shall maintain a record of all receipts and disposals of wildlife (including bushmeat and wild plants); and the record shall be available at all reasonable times for inspection by an Officer.
- (5) A person who sells, possesses for sale, exposes or offers for sale any wildlife except in accordance with the terms and conditions of a Wildlife Commercial licence commits an offence and shall be liable to the penalties prescribed under paragraph B of the Sixth Schedule of the Act.

Selling wildlife.

14. No person shall sell, expose for sale, possess, or offer for sale wildlife, including wild plants and animals to be used in the bushmeat trade, except in accordance with the terms and conditions either of a Wildlife Collecting Licence or a Wildlife Commercial Licence issued by the Commission.

Wildlife  
Recreational  
Licence.

15.(1) Any person who proposes to engage in activities to hunt or trap wildlife for non-commercial purposes, shall prior to commencing such activities, apply to the Commission for a Wildlife Recreational Licence giving such particulars as the Commission shall require.

(2) A Wildlife Recreational Licence shall -

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- (a) be in such form as the Commission determines;
  - (b) specify the equipment which may be used;
  - (c) where a firearm is to be used, include a copy of a valid licence or permit for the firearm;
  - (d) specify the weapons that are prohibited;
  - (e) be valid for the duration of stated period of activity;
  - (f) not be transferable; and
  - (g) be subject to such other terms and conditions as specified by the Commission.
- (3) A Wildlife Recreational Licence may -
- (a) specify the maximum number of specimens which may be taken or be in the possession or control of the person authorised by the licence, or which particular specimens may be taken or be in the possession or control of that person;
  - (b) specify the sizes and species of wildlife to be hunted; and
  - (c) specify the area in which the activity is to take place.
- (4) At any time during trapping or hunting the holder of a Wildlife Recreational Licence shall have in his or her possession a valid licence for the current period which shall be produced on demand to an Officer.
- (5) Every holder of a Wildlife Recreational Licence shall submit, on or before the date specified in the licence, a report that accurately sets out the numbers, dates and places of wildlife trapped or hunted by the holder.
- (6) A person who -

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Wildlife Conservation, Management and Sustainable Use Regulations

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- (a) engages in the recreational trapping or hunting of wildlife on a non-commercial basis without a Wildlife Recreational Licence;
- or
- (b) contravenes the terms and conditions of the Wildlife Recreational Licence,

commits an offence and shall be liable to the penalties prescribed under paragraph C of the Sixth Schedule of the Act.

- (7) A person who is convicted of an offence for the second time under paragraph (5) shall be permanently disqualified from holding or obtaining a Wildlife Recreational Licence.

Captive Wildlife Licence.

16.(1) Subject to paragraphs (2), (6) and (7), no person shall, after the commencement of these Regulations, keep or confine any wildlife in captivity save in accordance with the terms and conditions of a Captive Wildlife Licence issued by the Commission -

Provided that where before the commencement of these Regulations a person had any animal in his or her possession, it shall be lawful for him or her to continue to keep or confine that animal in his possession, subject to the condition that he or she immediately informs the Commission that such wildlife is in his or her possession, obtains a Captive Wildlife Licence and complies with any order made by the Minister in relation to such possession.

- (2) A Captive Wildlife Licence shall -
- (a) specify the name and number of animals, other than protected animals, that may be transported, kept or confined in captivity;



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- (b) specify the place or residence in which such animal may be kept or confined in captivity;
  - (c) specify the conditions under which it is permissible to transport, keep or confine in captivity such animal;
  - (d) where appropriate, in the interest of the management and conservation of wildlife, provide the time and duration for which such animal may be kept or confined in captivity;
  - (e) specify, in accordance with the Wildlife Holding Premises Regulations where relevant, the type, dimensions and kind of materials of which the cage or other receptacle for animals shall be constructed;
  - (f) authorise the transporting, keeping or confining of animals for the purpose of captive breeding or ranching and set out conditions under which such animals shall be transported, kept or confined for the purpose of farming; and
  - (g) authorise the transporting, keeping or confining of animals for the purpose of ranching and set out conditions under which such animals shall be transported, kept or confined for the purpose of ranching.
- (3) No holder of a Captive Wildlife Licence shall, during a Closed Season, sell or expose or offer for sale or transport any animal, dead or alive, or cause or allow it to be transported into or away from his or her property.
- (4) Every holder of a Captive Wildlife Licence shall maintain records of all receipts and disposal of animals, which shall be available at all reasonable times for inspection by an Officer.
- (5) Every holder of a Captive Wildlife Licence may otherwise deal with wild animals, the subject of the licence, in such manner and under such

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conditions as the Commission shall specify in writing; and no compensation shall be payable by the Commission to the holder of the Licence with regard to this decision.

- (6) A Captive Wildlife Licence shall not be required by -
- (a) a person who possesses no more than a total of eight specimens of wildlife comprising no more than two specimens of any one species;
  - (b) a holder of a Commercial Exportation Licence or a Captive Breeding Operation Licence under the Act.

Special  
Wildlife  
Licence.

17. (1) The Commission may, for such time and subject to such conditions as it deems fit, grant a Special Wildlife Licence which shall entitle the holder to hunt, keep or confine in captivity any wildlife specified therein for any of the following purposes -
- (a) scientific research;
  - (b) collection of wildlife for zoological parks or botanical gardens, museums and similar institutions;
  - (c) any other purpose that the Commission may deem appropriate.
- (2) A Special Wildlife Licence shall -
- (a) be in such form as the Commission determines;
  - (b) not be transferable;
  - (c) specific to a particular location or area; and
  - (d) be valid for the period specified therein.
- (3) A Special Wildlife Licence may -

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- (a) specify the sizes, numbers and species of wildlife to be hunted;  
and
- (b) specify the area in which the activity is to take place.

(4) A Licence under paragraph (1)(a) shall not be required -

- (a) where the scientific research concerned with wildlife, is within the scope of a Research Permit granted by the Environmental Protection Agency; and
- (b) the researcher has obtained a certificate, to the effect that the Commission has no objection to the conduct of the research.

Revocation,  
suspension and  
modification of  
Licences.

18.(1) The Commission may revoke, suspend or modify a licence during its currency for any of the following reasons -

- (a) the holder of a licence made a misrepresentation or wilful omission in obtaining the licence or in any report submitted to the Commission or in any other way obtained the licence improperly;
- (b) the holder of a licence is contravening any material condition of the licence;
- (c) in the public interest for the benefit of wildlife conservation and maintenance of biodiversity;
- (d) there are changes in circumstances relating to the licence;
- (e) the holder of a licence -
  - (i) dies;
  - (ii) becomes bankrupt;
  - (iii) goes into liquidation or receivership;

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- (iv) has been found guilty of an offence under the Narcotic Drugs and Psychotropic Substances (Control) Act;
  - (v) has been found guilty of an offence under the Anti-Money Laundering and Countering the Financing of Terrorism Act; or
  - (vi) becomes a party to an amalgamation;
- (f) any other change, situation or activity relating to the use of a licence that, in the judgment of the Commission, is not consistent with the Act or these Regulations.
- (2) The Commission shall, while suspending a licence, notify the holder thereof in writing -
- (a) stating the breach or situation which gave rise to the suspension;
  - (b) requiring the holder of the licence to remedy the breach or situation;
  - (c) stating the time within which the breach or situation is to be remedied; and
  - (d) stating whether the licence is to be returned within a specified time to the Commission.
- (3) The holder of the licence suspended under paragraph (4), upon remedying the breach or situation, shall so inform the Commission and the Commission shall, if it is satisfied that the breach is remedied, forthwith return the licence to the holder thereof.
- (4) A suspension under this section may be for a specified period or until the fulfilment of specific conditions or until further order of the Commission.

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- (5) Before the Commission acts under paragraph (2), the Commission shall
- (a) notify the holder of a licence in writing of its proposed action specifying the reason for the proposed action; and
  - (b) allow the holder at least seven days within which to make written submissions to the Commission in relation to the Commission's proposed action.
- (6) Where the Commission modifies a licence, the Commission shall cancel the existing licence and re-issue the holder of the licence with a modified licence.

Exception in  
respect of  
Amerindians.

19.(1) The Minister may, in consultation with Village Councils and Amerindian Communities, in order to ensure the continuance of the traditional rights of Amerindians within the boundaries of Village Lands and any extensions thereof, exempt any Amerindian or group of Amerindians from the provisions of these Regulations relating to the collecting of wildlife or the keeping or confining of any animal in captivity.

- (2) Where the Minister grants the exemption to any Amerindian or group of Amerindians under paragraph (1) it shall be a condition of in such exemption that such Amerindians shall not use such wildlife for any other purpose other than subsistence or medicinal purposes or such other purpose as the Minister may specify.

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- (3) An exemption granted under this Regulation shall be monitored by the Village Council or Community Council responsible for the Amerindian or group of Amerindians to whom the exemption was granted.

Threat or  
nuisance by  
wildlife.

20.(1) Notwithstanding anything in these Regulations, it shall not be unlawful for any person to kill or wound any wild animal in defence of himself, herself or any other person, if immediately and absolutely necessary.

- (2) The owner or occupier of land, or any agent of such owner or occupier may, subject to the provisions of these regulations, kill any animal which has caused, is causing or threatens to cause damage to any livestock, crops, water installation or fence on such land.
- (3) Any animal killed or wounded pursuant to this regulation shall not be sold or offered for sale.
- (4) The burden of proving that an animal has been killed or wounded in accordance with the provisions of this section shall lie upon the person who did the killing or wounding.
- (5) Any person who has killed an animal in terms of paragraph (1) and (2) shall, as soon as possible report the circumstances of such killing to the nearest Officer or police station.
- (6) The Commission may on its own initiative relocate wildlife causing a nuisance.
- (7) The Commission may authorise the relocation of wildlife causing a nuisance.

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- (8) No person shall collect wildlife that may be causing a nuisance except by virtue of a Special Wildlife Licence issued by the Commission in that behalf.

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PART V  
OFFENCES AND PENALTIES

- Prosecutions. 21.(1) Prosecutions in respect of offences under these Regulations shall be brought by the Commission or by any other person authorised by the Director of Public Prosecutions in a court of summary jurisdiction.
- (2) A court that convicts a person of an offence under these Regulations, in addition to any other remedy and to any other penalty imposed by law, may make an order prohibiting the continuation or repetition by the person of the act or omission for which the person was convicted.
- Obstruction of Officers. 22. Every person who assaults obstructs or hinders an Officer in the execution of his or her duty under these Regulations shall be guilty of an offence and shall be liable to the penalties prescribed under paragraph B, of the Sixth Schedule of the Act.
- Persons found offending. 23. Where any person is reasonably suspected of committing an offence against these Regulations -
- (a) it shall be lawful for an Officer to require such suspected offender to give his or her name and address; and
  - (b) where the offender does not give his or her name or address or gives a name or address that is false, such offender commits an offence and in addition to any other penalty to which he or she may be liable under these Regulations, shall be liable to the



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penalties prescribed under paragraph C of the Sixth Schedule of the Act.

Prohibited methods and devices.

24. Any person who uses any device or method specified in the Fourth Schedule for the collecting of wildlife shall be guilty of an offence and shall be liable to the penalties prescribed under paragraph B of the Sixth Schedule of the Act.

Failing to make report.

25. Any person who fails to make a report required by these regulations shall be guilty of an offence and shall be liable to the penalties prescribed under paragraph A of the Sixth Schedule of the Act.

Possession of living wildlife.

26.(1) Any person who possesses any living wild animal, otherwise than under regulation 16(6), without a Captive Wildlife licence, commits an offence and shall be liable to the penalties prescribed under paragraph A of the Sixth Schedule of the Act.

(2) In cases where a wild animal which is sick or injured is rescued, the rescuer shall immediately notify the nearest Officer or the Commission.

(3) A person who sells, possesses for sale, exposes or offers for sale or otherwise deals in any wildlife except in accordance with the terms and conditions of a Wildlife Commercial Licence commits an offence and shall be liable to the penalties prescribed under paragraph A of the Sixth Schedule of the Act.

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(4) A holder of a Wildlife Commercial licence who contravenes Regulation 26 commits an offence and shall be liable to the penalties prescribed under paragraph A of the Sixth Schedule of the Act.

Investigation of offences.

27.(1) Any person who has information that an offence has been committed under these Regulations shall report that information to the Commission for investigation.

(2) Depending on availability of resources, the Commission, or any person delegated by it, shall investigate every report under paragraph (1) and, where there is sufficient information that an offence has been committed, the Commission shall institute legal proceedings or report the matter to the police, as may be appropriate, and in either case shall notify the person who made the report.

Cruelty to wildlife.

28. Any person who intentionally or recklessly -

- (a) fails to provide necessary food, water or care;
- (b) confines, transports or abandons;
- (c) mutilates, kicks, beats, stabs, nails or otherwise impales;
- (d) administers poison;
- (e) burns, stones, crushes, drags, drowns, or asphyxiates;

or otherwise treats or handles any animal thereby causing unjustified, unwarranted and unnecessary suffering, commits an offence and shall be liable to the penalties prescribed under paragraph C of the Sixth Schedule of the Act.

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Wildlife Conservation and Management Act

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General penalty.

29.(1) Any person who is guilty of the contravention of any provision of these Regulations for which no penalty is otherwise expressly provided by these Regulations, shall be liable to the penalty prescribed under paragraph of A the Sixth Schedule of the Act.

(2) Any person who is convicted of an offence relating to the collecting of wildlife is liable to an additional penalty of not more than twice the market value of the wildlife in relation to which the offence is committed.

PART VI

MISCELLANEOUS

Powers of  
Officer.

30. If an Officer suspects that an offence contrary to these Regulations has been committed he may exercise such powers of detention and inspection as are established in Part XIV of the Act.

Officer to  
conduct case.

31. Where an Officer makes a complaint against any person for an offence under these Regulations, any other Officer shall have the right to appear on his or her behalf before a magistrate and conduct the proceedings as if he or she were the complainant.

Exotic Wildlife  
Permit.

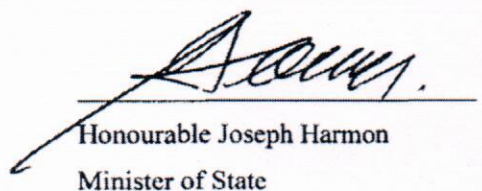
32.(1) No person shall release exotic wildlife into the environment of Guyana without the written permission of the Commission.

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(2) Exotic wildlife shall not be bred or kept for commercial purposes without the written permission of the Commission.

Made this <sup>30</sup> day of January 2019

  
Honourable Joseph Harmon  
Minister of State

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**FIRST SCHEDULE**

Part I – Critically Endangered

COMMON NAME	SCIENTIFIC NAME
Plants	
	<i>Youacapoua americana</i>
Fish	
Caribbean electric ray	<i>Narcine bancroftii</i>
Reptiles	
Leatherback turtle	<i>Dermochelys coriacea</i>
Hawksbill turtle	<i>Eretmochelys imbricate</i>

Part II – Endangered

COMMON NAME	SCIENTIFIC NAME
Reptiles	
Green turtle	<i>Chelonia mydas</i>
Birds	
Sun parakeet	<i>Aratinga solstitialis</i>
Red siskin	<i>Carduelis cucullata</i>
Hoary-throated spinetail	<i>Synallaxis kollari</i>

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Mammals	
Giant otter	<i>Pteronura brasiliensis</i>

## Part III – Vulnerable

COMMON NAME	SCIENTIFIC NAME
Arthropods	
Ant	<i>Pheidole microgyna</i>
Fish	
Variegated electric ray	<i>Diplobatis pictus</i>
Amphibians	
Beebe's Rocket Frog	<i>Anomaloglossus beebei</i>
Pebas Stubfoot frog	<i>Atelopus spumarius</i>
	<i>Stefania ackawaio</i>
	<i>Stefania ayangannae</i>
	<i>Stefania coxi</i>
Sapito Rugoso Del McConell	<i>Oreophrynella macconnelli</i>
Sapito Rugoso Del Roraima	<i>Oreophrynella quelchii</i>
Reptiles	
Pacific Ridley turtle	<i>Lepidochelys olivacea</i>
Black caiman	<i>Melanosuchus niger</i>
Giant South American turtle	<i>Podocnemis expansa</i>

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<b>Mammals</b>	
Ocelot	<i>Leopardus pardalis</i>
Oncilla	<i>Leopardus tigrinus</i>
Giant armadillo	<i>Priodontes maximus</i>
Guiana spider monkey	<i>Ateles paniscus</i>
Amazon river dolphin	<i>Boto geoffrensis</i>
Greater ghost bat	<i>Diclidurus ingens</i>
Guianan bonneted bat	<i>Eumops maurus</i>
Venezuelan fish-eating bat	<i>Neusticomys venezuelae</i>
Sperm whale	<i>Physeter microcephalus</i>
West Indian manatee	<i>Trichechus manatus</i>
Brock's yellow-eared bat	<i>Vampyressa brocki</i>
Giant anteater	<i>Myrmecophaga tridactyla</i>
Margay	<i>Leopardus wiedii</i>
Jaguar	<i>Panthera onca</i>
Bush dog	<i>Speothos venaticus</i>
Spectral bat	<i>Vampyrum spectrum</i>
Southern naked-tailed armadillo	<i>Cabassous unicinctus</i>
Jaguarundi	<i>Puma yagouarundi</i>
Southern river otter	<i>Lontra longicaudis</i>
Puma	<i>Puma concolor</i>
Amazonian manatee	<i>Trichechus inunguis</i>

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Birds	
Rio Branco Antbird	<i>Cercomacra carbonaria</i>
Harpy eagle	<i>Harpia harpyja</i>
Crested eagle	<i>Morphus guianensis</i>
Olive-sided flycatcher	<i>Contopus cooperi</i>
Bearded tachuri	<i>Polystictus pectoralis</i>
White-chested emerald	<i>Amazilia brevirostris</i>
Glittering-throated emerald	<i>Amazilia fimbriata</i>
Plain-bellied emerald	<i>Amazilia leucogaster</i>
Black-throated emerald	<i>Anthracothorax nigricollis</i>
Scarlet macaw	<i>Ara macao</i>
Striped owl	<i>Pseudoscops clamator</i>
Gray-breasted sabrewing	<i>Campylopterus largipennis</i>
Turkey vulture	<i>Cathartes aura</i>
Savanna vulture	<i>Cathartes burrovianus</i>
Forest vulture	<i>Cathartes melambrotus</i>
Blue-chinned sapphire	<i>Chlorostilbon notatus</i>
Blue-tailed emerald	<i>Chlorostilbon mellisugus</i>
Mottled owl	<i>Strix virgate</i>
Brown violet-ear	<i>Calbiri delphinae</i>
Black vulture	<i>Coragyps atratus</i>
Racket-tailed coquette	<i>Discosura longicaudus</i>
Orange-breasted falcon	<i>Falco deiroleucus</i>
Peregrine falcon	<i>Falco peregrinus</i>



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Bat falcon	<i>Falco rufigularis</i>
White-necked Jacobin	<i>Florisuga mellivora</i>
Ferruginous pygmy owl	<i>Glaucidium brasilianum</i>
Rufous-breasted hermit	<i>Glaucis hirsutus</i>
Long-billed star-throat	<i>Heliomaster longirostris</i>
Black-eared fairy	<i>Heliothyx auritus</i>
Laughing falcon	<i>Herpetotheres cachinnans</i>
White-chinned sapphire	<i>Hylocharis cyanus</i>
Rufous-throated sapphire	<i>Hylocharis sapphirina</i>
Jabiru stork	<i>Jabiru mycteria</i>
Tufted coquette	<i>Lophornis ornatus</i>
Crested owl	<i>Lophotrix cristata</i>
Lined forest falcon	<i>Micrastur gilvicollis</i>
Slaty-backed forest falcon	<i>Micrastur mirandollei</i>
Barred forest falcon	<i>Micrastur ruficollis</i>
Collared forest falcon	<i>Micrastur semitorquatus</i>
Black nun-bird	<i>Monasa atra</i>
Tropical screech owl	<i>Otus choliba</i>
Vermiculated screech owl	<i>Otus vermiculatus</i>
Tawny-bellied screech owl	<i>Otus watsonii</i>
Straight-billed hermit	<i>Phaethornis bourcierii</i>
Little hermit	<i>Phaethornis longuemareus</i>
Reddish hermit	<i>Phaethornis ruber</i>
Long-tailed hermit	<i>Phaethornis superciliosus</i>

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Whitetailed goldenthrout	<i>Polytmus guainumbi</i>
Green-tailed goldenthrout	<i>Polytmus theresiae</i>
Cock-of-the-rock	<i>Rupicola rupicola</i>
King vulture	<i>Sarcoramphus papa</i>
Burrowing owl	<i>Athene cunicularia</i>
Ornate hawk eagle	<i>Spizaetus ornatus</i>
Black hawk eagle	<i>Spizaetus tyrannus</i>
Black and white hawk eagle	<i>Spizastur melanoleucus</i>
Fork-tailed wood nymph	<i>Thalurania furcate</i>
Pale-tailed barbthroat	<i>Threnetes niger</i>
Crimson topaz	<i>Topaza pella</i>

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**SECOND SCHEDULE**

**FEES FOR LICENCES**

	<b>LICENCE</b>	<b>FEES</b>
1	Wildlife Trapping Licence	\$10,000 - \$100,000
2	Wildlife Collecting Licence	\$10,000 - \$100,000
3.	Wildlife Commercial Licence	\$20,000 - \$200,000
4.	Wildlife Recreational Licence	\$50,000 - \$300,000
5.	Captive Wildlife Licence	\$50,000
6.	Special Wildlife Licence	\$5,000 - \$100,000



## WILDLIFE CONSERVATION, MANAGEMENT AND SUSTAINABLE USE

## REGULATIONS

## EXPLANATORY MEMORANDUM

## PART I - PRELIMINARY

Regulation 1 provides that the Regulations may be cited as the Wildlife Conservation, Management and Sustainable Use Regulations.

Regulation 2 defines words which are specifically applicable to the Regulations. These definitions include:

*"biodiversity" which means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and ecological complexes of which they are parts; this includes diversity within species, between species and of ecosystems;*

*"collecting" in relation to any animal or plant means the gathering, harvesting, receiving, in whole or in part of any animal or plant and also includes every attempt to take such animal or plant and every act of assistance to any person to take such animal or plant or parts or derivatives thereof and inflections have corresponding meaning;*

*"humane" which means action which involves the least possible degree of pain and suffering practicable to the animal involved;*

*"hunting" which means chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, searching for, shooting at, stalking or lying in wait for wildlife, whether or not the wildlife is then or subsequently captured, killed, taken or wounded, but does not include -*

*(i) trapping or attempting to trap wildlife, or*

*(ii) stalking, attracting, searching for or lying in wait for wildlife by an unarmed person solely for the purpose of watching or taking pictures of wildlife;*

*"trapping" which means taking, capturing or killing or attempting to take, capture or kill wildlife by any means or contrivance designed to enclose, capture, hold, ensnare or otherwise restrain an animal, whether that means or contrivance kills the animal or not;*

#### PART II GENERAL - ADMINISTRATION

The specific functions of the Commission regarding the management and conservation of wildlife are addressed in regulation 3. The functions of the Commission are in addition to those specified in the principal Act. The additional functions relate to the determination of the critical breeding periods and habitats for wildlife based on regular, sound scientific research and stakeholder consultations.

#### PART III - WILDLIFE MANAGEMENT AND CONSERVATION

Regulation 4 grants the Minister authority to, by notice, declare any wildlife to be classified for the purposes of the Regulations. The decision to classify wildlife is made in consultation with the Commission and the Wildlife Scientific Committee. The Regulations permit the following

classifications and lists of wildlife. Wildlife may be classified as (a) Vulnerable Species which shall be listed in Part I of the First Schedule; (b) Endangered Species which shall be listed in Part II of the First Schedule; and (c) Critically Endangered Species which shall be listed in Part III of the First Schedule. The remainder of regulation 4 identifies the process of classification and the factors to be considered in reaching such decisions.

Regulation 5 allows the Minister from time to time, on recommendation of the Wildlife Scientific Committee, by notice published in the Gazette, to delete or re-classify any wildlife or species of wildlife under the Regulations. The factors guiding a decision to re-classify are set out in regulation 5(2).

The authority and the procedure for the declaration of closed seasons are set out in regulation 6. The procedure includes the publication of a notice in the Official Gazette. The decision to make the declaration would be based on advice from the Commission and Scientific Committee, and considering the traditional knowledge and traditional hunting practices of Amerindians.

Under Regulation 7 the Commission may enter into an agreement with the Guyana Lands and Surveys Commission, the Guyana Forestry Commission or the Guyana Geology and Mines Commission, upon such terms and conditions as shall be mutually agreed, for any land or area under the control or authority of the three Commissions for the use of the land or area for the management, conservation and protection of wildlife. The possible terms and conditions of such an agreement are identified in regulation 7(2).

Regulation 8 allows the Commission to enter into agreements upon such terms and conditions as shall be mutually agreed with a private landowner, for the use of the land, for the management, conservation and protection of wildlife. The terms and conditions of such an agreement are identified in regulation 8(2).

Regulation 9 provides the framework for the Commission to develop a management programme in respect of any agreement concluded pursuant to regulation 7 and regulation 8. The management programme shall relate inter alia to the maintenance, care, study and restoration of the natural environment, the protection and care of wild animals and plants, the propagation thereof, the promotion of the study of wild animals and plants to which the scheme relates.

#### PART IV - LICENCES

Regulation 10 identifies the types of licences which are intended to be covered by the Regulations. These licences include (a) a Wildlife Trapping licence; (b) a Wildlife Collecting licence; (c) a Wildlife Commercial licence; (d) a Wildlife Recreational licence; (e) a Captive Wildlife licence; or (f) a Special Wildlife licence.

Regulation 11 makes provision for the requirements to hold a Wildlife Trapping licence. Regulation 11 makes provision for the form of the licence and the equipment which may be used for trapping. The period of validity of a Wildlife Trapping licence is specified to be for one year with the grantee of the licence being required to demonstrate knowledge and skills of trapping, handling and care of the wildlife thus trapped. By virtue of regulation 11(3) a Wildlife Trapping



licence may specify the sizes, numbers and species of wildlife to be trapped as well as specify the location(s) from which they may be trapped. A Licence holder is required to have the licence in his or her possession during trapping. Specific provision is made in regulation 11(6) for an Amerindian Village Council to hold a licence on behalf of the members of the Village.

The requirement and conditions for the grant of a Wildlife Collecting licence are identified in regulation 12. The form and conditions of a Wildlife Collecting licence are similar to those of a Wildlife Trapping Licence.

Regulation 13 makes provision for the requirements for holding a Wildlife Commercial Licence. In addition to requiring the holder of a Wildlife Commercial Licence to demonstrate knowledge and skills of handling, holding and care of the wildlife, regulation 13(2)(c) requires the settlement of all debts to the holders of Wildlife Trapping licences or Wildlife Collecting licences as part of the requirements for the grant of a Wildlife Commercial licence.

The terms and conditions for the sale of wildlife are addressed by regulation 14. The sale should be conducted in accordance with the terms and conditions either of a Wildlife Collecting licence or a Wildlife Commercial licence issued by the Commission.

Regulation 15 introduces the requirements for a Wildlife Recreational licence. A Wildlife Recreational licence is required by any person who proposes to engage in activities to hunt or trap wildlife for non-commercial purposes. The Wildlife Recreational licence is required prior to the commencement of the activities. A Wildlife Recreational licence shall among other details specify

the equipment which may be used and well as the weapons that are prohibited. By virtue of regulation 15(3), a Wildlife Recreational licence may (a) specify the maximum number of specimens which may be taken or be in the possession or control of the person authorised by the licence, (b) specify the sizes and species of wildlife to be hunted; and (c) specify the area in which the activity is to take place.

By virtue of Regulation 16, after the commencement of the Regulations any person who desires to keep or confine any wildlife in captivity shall do so in accordance with the terms and conditions of a Captive Wildlife licence issued by the Commission.

In addressing a Special Wildlife licence Regulation 17 requires the permission of the Commission to hunt, keep or confine in captivity any wildlife specified therein for (a) scientific research, (b) collection of wildlife for zoological parks or botanical gardens, museums and similar institutions as well as any other purpose that the Commission may deem appropriate. As with other licences the Special Wildlife licence may specify the sizes, numbers and species of wildlife to be hunted.

Regulation 18 makes provision for the grounds and procedures for the revocation, suspension and modification of licences.

The provisions of regulation 19 allow the responsible Minister to exempt Village Councils and Amerindian Communities from the applicability of the Regulations in order to ensure the continuance of the traditional rights of Amerindians within the boundaries of Village Lands and any extensions thereof.

Regulation 20 addresses situations in which there may be threat or nuisance caused by wildlife. By virtue of regulation 20 it is not unlawful to take action in defence in the case of a threat by wildlife. The impacted wildlife should however not be sold or offered for sale. Wildlife causing a nuisance may be relocated by the Commission pursuant to the provision of regulation 20.

#### PART V - OFFENCES AND PENALTIES

Regulations 21 identifies a court of summary jurisdiction to be place where prosecutions for offences under the Regulations are to be conducted. The prosecutions shall be brought by the Commission or by any other person authorised by the Director of Public Prosecutions.

Regulation 22 creates an offence where a person assaults, obstructs or otherwise hinders an Officer in the execution of his duty under the Regulations.

By virtue of regulation 23 persons found offending against the Regulations may be required by an Officer to provide his or her name and address to the officer. Failure to comply with the request constitutes an offence under the regulation 23.

The use of prohibited methods and devices for the collecting of wildlife is made an offence under regulation 24.

Regulation 25 creates an offence where a person fails to make a report required by the Regulations.

Regulation 26 creates an offence for any person who possesses any living wild animal, otherwise than under regulation 16(6), without a Captive Wildlife licence.

The provisions of regulation 27 are applicable to the investigation of offences. Investigations may be initiated based on reports of offences to the Commission. Where there is sufficient evidence that an offence has been committed the Commission may institute legal proceedings.

Cruelty to wildlife is specifically addressed in Regulation 28. Cruelty results from identified acts which intentionally or recklessly cause unjustified, unwarranted and unnecessary suffering to animals.

A general penalty for the contravention of the Regulations is addressed in Regulation 29. This general penalty is applicable in circumstances in which no penalty is otherwise expressly provided by the Regulations. Regulation 29(2) makes an additional provisions for a further penalty linked to wildlife collecting. The penalty is to be not more than twice the market value of the wildlife in relation to which the offence is committed.

#### PART VI - MISCELLANEOUS

Regulation 30 allows an Officer to exercise such powers of detention and inspection if he or she suspects that an offence contrary to the Regulations has been committed.

Regulation 31 permits the officer who has made a complaint regarding an offence under the Regulations to appear before a magistrate to conduct the proceedings.

Regulation 32 requires the written permission of the Commission to release exotic wildlife into the environment of Guyana.



## **Explanatory Memorandum for the Zoo Administration and Management Regulations**

Part I of the Regulations provide for the citation of the regulations. The title reflects that the regulations are passed under the Wildlife Conservation and Management Act. The title indicates that the Regulations are intended to address the administration and management of zoos in Guyana. The definitions are identified in Regulation 2. The important definitions relate to animals and zoos. With regard to zoos, emphasis is placed on permanence, achieving the objectives of zoo operations and the presence of wild species of animals.

Part II addresses the scope of the regulations as well as the objectives. There are no exemptions to the applicability of the Regulations. The objectives are common to all modern zoos and are to be collectively achieved. The objectives include research, training, exchange of information and activities to support reintroduction into the wild.

Part III specifies the additional and specific administrative responsibilities of the Guyana Wildlife Conservation and Management Commission under the Regulations.

Part IV identifies licensing as the management tool under the Regulations. Provision is made for the requirement for an application to be made to the Commission in Regulation 6. The contents of the application are indicated in regulation 7. Regulation 7 further incorporates the achievement of the objectives, staffing, details of animals to be housed as well as the requirement for consents of other regulatory bodies. These regulatory bodies are identified in the First Schedule of the Regulations. Regulation 8 points out the process to be followed by the Commission in considering an application for a licence. This process entails taking into account the results of inspections, the application and any representations from stakeholders.

Regulation 9 in addressing the grant of the licence allows for several conditions to be included in the licence. Conditions can relate to carrying out assessment, monitoring and evaluation of risks and a plan to deal with emergencies being established and maintained. Regulation 10 provides the grounds on which an application for a licence can be refused together with an opportunity to be heard regarding the refusal. Included in these grounds is the inability to achieve the objectives of zoo operations. Regulation 11 provides a six year period for the validity of a granted licence.

In Regulation 12 the circumstances under which revocation, suspension, or amendment of licences may be initiated are spelt out. The right for a licence holder to be heard is maintained under this Regulation. The grounds for revocation or suspension include misrepresentation or willful omission in the application to



obtain the licence, contravening any material condition of the licence, that the licence holder is unable to achieve the objectives of zoo operations set out in Regulation 4 and that the licence holder has been repeatedly suspended for the same or similar violation of the Regulations. Regulation 13 makes provision for the renewal of a licence after considering an inspection report. Regulation 13 places a further duty on the Commission to deliver a written decision in the event that the application for renewal has been rejected.

Part V makes provision for three types of inspections. The first is a statutory inspection addressed in Regulation 14. Periodic inspections are addressed in Regulation 15 and special inspections with 24 hours prior notice are dealt with in Regulation 16. The Power of the Commission to authorise suitably qualified persons in writing to conduct inspections is articulated in Regulation 17.

In Part VI emphasis on animal welfare is captured. Animal welfare is addressed through provisions dealing with the lawful acquisition in Regulation 18 and quarantining in Regulation 19. These provisions are indicated without prejudice to provisions which appear in other laws. Regulation 20 makes provision for movement and transfer incorporating several aspects of international standards. A similar incorporating approach is adopted for the holding of animals. Holding is addressed in Regulation 21 with a requirement for the environment to be as far as reasonably possible similar to the natural environment of the animal. Regulation 21 also makes provision for food to be consumed by animals. The manner in which diseases are to be managed is captured in Regulation 22. Provisions for procedures

including postmortem examinations on the death of animals are set out in Regulation 23. Regulation 23 also makes provisions regarding the role of veterinarians in the death of animals.

Part VII contains several provisions dealing with the operations of zoos. Regulation 24 contains several detailed requirements for the technical design of a zoo including obligations related to enclosures, safety and suitability of the environment. Regulation 25 confirms that the construction of the zoo should be in compliance with the technical design. In Regulation 26 several functions of licenced zoos are specified. Staffing is considered in Regulation 27. Staffing requirements include the engagement of a veterinarian, medical screening for staff and the necessity for suitable experience and or qualifications. The general safety of visitors is addressed in Regulation 28. These provisions as with several other provisions incorporate several aspects of international standards including barriers, interactions with animals and first aid facilities. In addition to the general requirements of the Regulations, zoos are permitted to establish private rules by virtue of the provisions of Regulation 29. The private rules are developed in consultation with the Commission.

The manner and content of the records to be kept by zoos are detailed in the provisions of Regulation 30. Regulation 31 makes provision for a closure plan. The plan is submitted to the Commission with a focus on the future care of the animals the subject matter of the plan. The Commission's action on closure is addressed in

Regulation 32. The Commission's decisions in the context of closure are activated where the plan required by Regulation 31 is not being properly executed.

In Part VIII of the Regulations provision is made for offences and penalties under the Sixth Schedule of the Act, and transitional provisions for pre-regulations zoo operations. The First Schedule identifies the regulatory agencies from whom consents are required as part of the application process. Provision is further made for a power of the Minister to amend the First Schedule.