

JAMAICA NATIONAL HERITAGE TRUST



BLUE & JOHN CROW MOUNTAINS PROTECTED NATIONAL HERITAGE & WORLD HERITAGE SITE

**JAMAICA NATIONAL HERITAGE TRUST ACT
(BLUE AND JOHN CROW MOUNTAINS PROTECTED NATIONAL
HERITAGE AND WORLD HERITAGE SITE
PRESERVATION SCHEME, 2019)**

PREAMBLE

The Blue and John Crow Mountains was designated Protected National Heritage under Section 13 of the Jamaica National Heritage Trust Act on January 9, 2014 and a UNESCO World Heritage Site on July 3, 2015. This Preservations Scheme is developed to provide guidelines for the preservation, conservation and management of the natural and cultural heritage resources of the Blue and John Crow Mountains.

The Jamaica National Heritage Trust, (hereinafter called "the Trust") in the exercise of the power conferred by section 21 of the Jamaica National Heritage Trust Act, (hereinafter referred to as "the Act"), and every other power hereunto enabling the following Preservation Scheme (hereinafter referred to as "the Scheme") is hereby made.

Citation

1. This Preservation Scheme may be cited as the **Jamaica National Heritage Trust Act (Blue and John Crow Mountains Protected National Heritage and World Heritage Site Preservation Scheme, 2019)**.

Definition

- 2 (1) In this Preservation Scheme unless the context otherwise requires:-

"**Artefacts**" means (a) any semblance of earthenware, metal, pewter or any object or moveable vestiges of cultural heritage, determined by the Trust to be of historical, scientific or aesthetic value.

"**Authority**" means the following organizations or through their appointed representatives, which shall carry out their functions under their respective legislations and comprise part of the management mechanism of the area:

- i. The Municipal Corporations, with respect to the development of lands within the parishes of St. Thomas, Portland and St. Andrew, under the jurisdiction of a confirmed Development Order.
- ii. The Natural Resources Conservation Authority for the management of the physical and natural environment, ecological systems, public recreational facilities and marine parks.

- iii. The Forestry Department, for matters relating to the Forest Reserve established under Section 5 of the Forest Act, 1996.
- iv. The Institute of Jamaica, for matters relating to the research, study and encouragement of (intangible) culture, science and (natural) history.
- v. The Jamaica National Heritage Trust for matters relating to the identification, research, protection, preservation of material cultural heritage.

“**Authorized Officer**” means:

- i. a person designated as such by the Authority,
- ii. any member or officer of the Jamaica National Heritage Trust,
- iii. any member of the Jamaica Constabulary Force,
- iv. a person appointed a Forest Officer under the Forestry Act,
- v. any person appointed a park manager or designated a national park ranger,

“**Bonfire**” means an outdoor fire used for informal disposal of burnable waste materials or as part of a celebration.

“**Buffer Zone**” means the area within the Controlled Area adjacent created to enhance the protection of the Core, subject to certain legal and or customary restrictions on the use and management of the resource contained therein.

“**Core**”-means the area that constitutes the most sensitive part or parts of the site which enjoys protection.

“**Conservation**” - means the processes to retain the cultural significance of the Controlled Area to include the preservation, restoration, reconstruction, rehabilitation and adaptation or a combination thereof.

“**Controlled Area**” means the area to which a Preservation Scheme applies, pursuant to Section 21 of the Act and includes the Core and Buffer Zone demarcated on the Map attached hereto as Part II of the Schedule.

“**Development**” has the meaning assigned to it in Section 2 of the Act which shall include development works defined by S. 22 of the Act and Section 5 of the Town & Country Planning Act.

“**Endangered species**” means any animal or plant species threatened with extinction which are or likely to be affected by trade or whose survival is unlikely if any factor which threatens its extinction continues to operate as set out in the Endangered Species Act.

“**Ecofacts**” means natural objects such as minerals, elements of animal or plant life, including bones, seeds and shells determined by the Trust to be of historical, scientific or aesthetic value.

“**Ecosystems**” - means an assemblage of plants, animals and micro-organisms and their physical environment interacting as an ecological unit

“**Heritage Significance**” - means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic importance.

“**Integrity**” - in relation to a building or place means, refers to the soundness, quality and condition of fabric. A heritage item is said to have integrity if its assessment and statement of significance is supported by sound research and analysis, and its fabric and curtilage are still largely intact.

“**National Monument**” has the meaning assigned to it by S. 2 of the Act

“**Preservation**” - means maintaining the fabric of a place, building in its existing state and retarding deterioration.

“**Park**” - means the Blue and John Crow Mountains National Park, the boundaries of which are set out in the Natural Resources Conservation (Blue and John Crow Mountains National Park) (Declaration) Order, 1993.

“**Protected National Heritage**” - has the meaning assigned to it in Section 2 of the Act.

“**Trust**” - means the Jamaica National Heritage Trust established by Section 3 of the Jamaica National Heritage Trust Act, 1985;

Controlled
Area

3. The area set out in Part 1 of the Schedule attached hereto, which is delineated on the map set out in Part II hereof, being the area designated Protected National Heritage under the Jamaica National Heritage Trust Act (the Controlled Area) and as the UNESCO World Heritage Site and regulated by this Scheme.

4. The provisions of this Scheme shall be in addition to, and not in derogation of, or in substitution for:
- a. The Forest Act and regulations, 1996
 - b. The Natural Resource Conservation Authority Act, 1991
 - c. The Natural Resources (National Parks) Regulations, 1993
 - d. The Town and Country Planning Act, 1957
 - e. The Wildlife Protection Act, 1945
 - f. The Watersheds Protection Act, 1963
 - g. The Fishing Industry Act, 1976
 - h. The Endangered Species (Protection, Conservation & Regulation of Trade) Act, 2000
 - i. Town and Country Planning (Control of Advertisements) Regulations, 1978

5. The Trust shall before granting permission for development consult: -

Consultation
by Trust

- (a) With the Local Planning Authority where the development will affect the lands under the jurisdiction of the respective confirmed Development Orders for the parishes of Portland, Kingston and St. Andrew and St. Thomas and St. Mary.
- (b) With the Natural Resources Conservation Authority in any or all of the following, where:-
 - i. The development is occurring on lands situated in a coastal zone, in or adjacent to ecologically sensitive areas, in or adjacent to conservation areas or national parks, or near rivers, aquifers, streams or other water bodies.
 - ii. The development is subject to an Environmental Impact Assessment; and
 - iii. The carrying out of operations or use of land is for the retention or disposal of sewage, trade, waste or sludge.
- (c) With the Office of Disaster Preparedness and Emergency Management where the development is situated on lands in areas subject to natural hazards.

Archaeological
Works

6. (1) A person shall not, except with the written permission or permit of the Authority, in the Controlled Area:-

- (a) Excavate and uncover any archaeological feature.
- (b) remove and transport any surficial or excavated artefacts or ecofacts.
- (c) conduct extrusive or intrusive archaeological survey or study
- (d) camp on any archaeological site.

(2) A person shall not deface any rock art, burial, cave, or any natural feature associated with a significant historical event or personality in Jamaica's history.

(3) A person who receives, sells, or otherwise disposes of any artefacts or ecofacts knowing it to have been unlawfully removed from the Controlled Area.

7. (1) The removal of fauna, flora and any other natural resources from the *Core* of the Controlled Area without a permit from the Authority is prohibited save and except removal of flora for medicinal, traditional and religious purposes/use by the local maroon group.

Removal of
flora and
Fauna

(2) The authority may grant a permit for the collection of natural objects or species of animal or plant from the Controlled Area for:-

- (a) the implementation of the Management Plan
- (b) Environmental purposes,
- (c) educational or scientific pursuits

8. A person shall not, in the Controlled Area, unless he has been issued with a permit by the Trust to do so:-

Research

- (a) carry out any historical /archaeological research; or
- (b) collect any artefacts or objects or specimen- of animal or plant life or both.

(2) The Authority shall not grant a permit under paragraph (1) where the research is likely to damage or interfere with the fauna and flora of the Controlled Area.

Fishing

9. (1) A person shall not fish in any water body located within the *Core* of the Controlled Area.

(2) The Authority may grant permission to any person to fish in waters in the Buffer Zone; subject to conditions related to the type of fish, other aquatic organisms which may be caught or any other conditions the Authority might deem just to impose.

(3) A person shall not use any poisonous substance, electrical charge, explosive or any similar device for the catching or killing fish, crawfish, janga, busu and other aquatic creatures.

Hunting

10. (1) Except with the written permission or permit of the Authority, a person shall not:-

- (a) catch, collect, hunt, shoot or kill any bird or other wild life or
- (b) carry or transport any weapons in the core of the Controlled Area.

Quarry and Mining

11. (1) A person shall not, except with the written permission or permit of the Authority, dig and remove any sand, gravel, rock, stone or mineral from the Controlled Area.

(2) The Authority shall not grant a permit for quarrying or mining without consultation from the Mines and Geology Division of the Government of Jamaica.

12. (1) A person shall not light or make use of any open fire or charcoal kiln in the Core or area designated under the Forest Act and the NRCA Act, except in compliance with a written permit issued by the Authority.

Forest Fires

(2) Paragraph (1) shall not apply anywhere in the Controlled Area where the fire is being used:-

- (a) for the purpose of cooking in accordance with standards established by the Authority, or
- (b) by an authorized person for the purpose of suppressing or controlling fire.

(3) Except for the purpose of starting a fire in accordance with this Preservation Scheme a person shall not:-

- (a) drop a burning substance in an area designated by the Forestry Act and the NRCA Act.

- (b) in the area designated by the Forestry Act and the NRCA Act, smoke a lighted cigarette, cigar, pipe or any other matter used for smoking.

Signs

- 13.** (1) A person shall not, except with the written permission of the Local Planning Authority, erect, exhibit, display or cause to be erected, exhibited or displayed in the Controlled Area any notice, sign, slogan or other device containing any advertising or other kind of message.
- (2) A person shall not, except with the written permission of the Authority, remove, damage, obscure or otherwise interfere with a notice, sign, slogan or other device, erected by the Authority in the Controlled Area.
- (3) The Authority may authorize the erecting, placing or displaying of signs for the purpose of:-
- (a) regulating, prohibiting or restricting the stopping or parking of vehicles, or defining the manner in which vehicles may be parked.
 - (b) designating a part of the Controlled Area as collection sites except in an area or a receptacle provided
 - (c) designating a part of the Controlled Area as an area within which camping is permitted.
- (4) A sign erected for the purpose of designating a part of the Controlled Area as an area within which the parking of vehicles is permitted shall bear the words "PARKING AREA"
- (5) A sign erected for the purpose of designating a part of the Controlled Area as an area within which camping is permitted shall bear the words "BLUE AND JOHN CROW MOUNTAINS NATIONAL PARK DESIGNATED CAMP SITE"
- (6) Any person who contravenes paragraph (1) or (2), or willfully defaces, destroys, damages, obliterates, pulls up, removes, obscures or otherwise interferes with any signs erected, placed or displayed pursuant to paragraph (3) commits an offence and is liable on summary conviction before a Parish Judge to a fine in the amount of the damage done.
- 14.** (1) A person shall not, in the Core of the Controlled Area:-
- (a) deposit or leave any litter, broken glass, plastic article, rubbish or

other waste material, except in an area or a receptacle provided for that purpose;

- (b) deposit or discharge any noxious, offensive or polluting substance, matter or thing;
- (c) Deposit or dump garbage.

Rights of
entry

15. (1) An authorized officer of the Trust, after giving reasonable notice in writing to the owner/occupier of any land or building which is a national monument or a protected national heritage; may enter the land or building at any time for the purpose of investigation, inspection or maintenance.

(2) Where any person enters any land or building for the purpose of investigation, inspection or maintenance in accordance with paragraph (1) he shall have the power to do all such things as he considers necessary for the purpose of such investigation, inspection or maintenance, and, without prejudice to the generality of the foregoing, may make excavation on the land.

(3) Where any excavation is made on land pursuant to paragraph (2) the Trust Shall, within a reasonable time after the completion of such excavation take such steps as may be necessary to restore the land to the condition which existed immediately before the excavation was made, unless the Trust is satisfied that the excavation forms part of the national monument.

16. (1) Any person who contravenes any of the provisions of this Scheme commits an offence is liable to penalty or fees imposed accordance with The Act or statutory impositions imposed under the legal jurisdiction of the Authority.

(2) In relation to paragraph 15, any person who willfully obstructs or hinders an Authorized Officer of the Trust in the exercise of the power conferred by section 23 of the Act, he shall be liable for conviction before a Parish Judge.

17. The provisions of this Preservation Scheme or any part thereof may be varied, amended or revoked by the Trust in accordance with the Act.

SCHEDULE

PART I.

Blue and John Crow Mountains Protected National Heritage & World Heritage Site (Controlled Area & Buffer Zone)

All that parcel of land known as the Blue and John Crow Mountains National Park and the Rio Grande Valley and located in parts of the parishes of St. Andrew, St. Thomas, Portland and south-east St. Mary; the boundary begins at Warminster District on the Parish border of Portland and St. Mary where it travels northward along the Warminster to Belmont main road, then turns northwest through Robertsons Run, then turns south to Dumfries. At Dumfries it assumes a southwest trajectory passing north of Hermitage and Leith Hall where it continues south, then southwest along Brandon Hill to Mount Prospect main road. At Mount Prospect, it veers off the road alignment passing between Mount Crissy and Mount Airy, then proceeding in a generally southern direction where it passes through Dickø Pond, Woodford and Craigton before turning north through Redlight and then circumventing New Castle, traversing lands east of Settlement, north of Sugar Loaf Trail and west of St. Peters, looping south of Silver Hill Gap and continuing on an eastward trajectory. It then passes south of Chestervale, circumventing Strawberry Hill to the north before passing Abbey Green, Radnor, Eccleston, and Arntully to the northeast where it traverses Newington, Newsfield, and Shirley Castle and continues on a southeast trajectory along the Morant River (Blue Mountain Valley) to Hillside. The boundary then arches the districts of Cave Bottom and Craighead to the north and proceeds to House Hill, passing north of Mount Donald and traversing Cedar Grove Where it swings north to Big Level just north of Johnson Mountain. At this point it travels in a generally northwesterly direction through Rose Garden Mountain to Cambridge Backland then west to Windsor and north along the Rio Grande west bank to Fellowship where it travels in a westerly direction along Cooperø Hill to Durham main road. Just south of Burton Hall the boundary continues in a generally westerly direction to Trafalgar Plantation where it diverts northwards to the Cottage and Berwick Spring then turns south through Leighfield and passes east of Spring Hill, Wakefield and (Cedar Valley before swinging north again through Green Hill, Biramwood Retreat, Dry River and back to Warminster.

SCHEDULE PART II.

Blue and John Crow Mountains Protected National Heritage & World Heritage Site

