

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE ANIMALS LAW (2013
REVISION) AS A CONSEQUENCE OF THE ENACTMENT OF THE
NATIONAL CONSERVATION LAW 2013; TO AMEND THE
LICENSING REGIME UNDER THE LAW; AND FOR INCIDENTAL
AND CONNECTED PURPOSES**

ANIMALS (AMENDMENT) BILL, 2014

MEMORANDUM OF OBJECTS AND REASONS

The Bill seeks to amend the Animals Law (2013 Revision) (“the principal Law”) as a consequence of the enactment of the National Conservation Law, 2013.

Clause 1 provides the short title and commencement provisions.

Clause 2 amends section 2 of the principal Law by inserting a definition for “National Conservation Council”.

Clause 3 amends section 3 of the principal Law to provide that no animal of any description shall be exported from the Islands to any country or from one of the Islands to another of the Islands otherwise than in accordance with the legislation.

Clause 4 amends section 5 of the principal law to provide that no live animal or biological product shall be exported save under licence.

Clause 5 repeals and replaces section 9 of the principal Law to provide that application for licences to export an animal, carcass or biological product must be made in writing to the C.A.V.O. and an application for import and exportation must be accompanied by the prescribed application fee.

Clause 6 repeals and replaces section 10 of the principal Law in order to provide that the C. A. V. O. when considering an application for a licence to import a live or viable specimen of an alien or genetically altered animal, shall, in accordance with any directives issued by the National Conservation Council, consult with that Council and take into account any views of the Council before granting any such licence. The new section 10 would also make it clear that application and licence fees paid under sections 9 and 10 are not refundable.

Clause 7 amends section 11 of the principal Law to provide that prior to making regulations which relate to the importation of a live or viable specimen of alien or genetically altered animals the Governor shall consult with the National Conservation Council.

Clause 8 amends section 13 of the principal Law, which deals with offences, to provide that a person who imports a live or viable specimen of an alien or genetically altered animal without a licence commits an offence and is liable on conviction to a fine of five hundred thousand dollars or to imprisonment for a term of four years or to both.

Clause 9 of the Bill repeals section 78 of the principal Law which prohibits the hunting of protected animals.

Clause 10 repeals section 79 of the principal Law which prohibits the hunting of game birds.

Clause 11 repeals section 80 of the principal Law which provides that iguanas and all non-domestic birds other than game birds are protected animals.

Clause 12 repeals section 81 of the principal Law which lists birds which are game birds.

Clause 13 repeals section 82 of the principal Law which designates animal sanctuaries.

Clause 14 repeals section 83 of the principal Law which prohibits hunting and other activities in an animal sanctuary.

Clause 15 amends section 86 of the principal Law which gives power to the Governor in Cabinet to make regulations.

Clause 16 contains transitional provisions.

ARRANGEMENT OF CLAUSES

1. Short title and commencement
2. Amendment of section 2 of the Animals Law (2013 Revision)- definitions
3. Amendment of section 3- restriction on importation of animals
4. Amendment of section 5- no live animal or biological product to be imported save under licence
5. Repeal of section 9 and substitution- application for licence to import an animal, etc
6. Repeal of section 10 and substitution- C.A.V.O. may grant or refuse licence
7. Amendment of section 11- Governor may make regulations
8. Amendment of section 13- Offences: Part II
9. Repeal of section 78- hunting protected animals
10. Repeal of section 79- hunting game birds
11. Repeal of section 80- protected animals
12. Repeal of section 81- game birds
13. Repeal of section 82- animal sanctuaries
14. Repeal of section 83- hunting, etc., in animal sanctuary prohibited
15. Amendment of section 86- regulations
16. Transitional provisions

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A BILL FOR A LAW TO AMEND THE ANIMALS LAW (2013 REVISION) AS A CONSEQUENCE OF THE ENACTMENT OF THE NATIONAL CONSERVATION LAW 2013; TO AMEND THE LICENSING REGIME UNDER THE LAW; AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislature of the Cayman Islands.

- 1. (1) This Law may be cited as the Animals (Amendment) Law, 2014. Short title and commencement
- (2) This Law comes into force immediately after the commencement of the National Conservation Law, 2013.
- 2. The Animals Law (2013 Revision), in this Law referred to as the “principal Law”, is amended in section 2 by inserting after the definition of the word “Minister” the following definition- Amendment of section 2 of the Animals Law (2013 Revision)- definitions
 - “National Conservation Council” means the National Conservation Council established under section 3 of the National Conservation Law, 2013;”.
- 3. The principal Law is amended in section 3 as follows- Amendment of section 3- restriction on importation of animals
 - (a) by repealing the marginal note and substituting the following-
 - “Restriction on importation and exportation of animals;”;

- (b) by renumbering section 3 as section 3(1); and
- (c) by inserting after section 3(1) as renumbered the following subsection-

“(2) No animal of any description may be exported from the Islands to any country or from one of the Islands to another of the Islands otherwise than in accordance with this Law.”.

Amendment of section 5- no live animal or biological product to be imported save under licence

4. The principal Law is amended in section 5 as follows-

- (a) by repealing the marginal note and substituting the following-
“ No live animal or biological product to be imported or exported save under licence”;
- (b) in subsection (1), by inserting after the word “into” the words “or exported from”; and
- (c) in subsection (2), by inserting after the word “imported” the words “or exported”.

Repeal of section 9 and substitution- application for licence to import an animal, etc

5. The principal Law is amended by repealing section 9 and substituting the following-

“Application for a licence to import or export an animal, etc.

9. (1) An application for a licence to import or export an animal, carcass or biological product of any animal may be made in writing to the C.A.V.O. giving particulars of the animal and of its present whereabouts and the means of transport by which it is proposed to be imported or exported.

(2) An application for a licence under subsection (1) shall be accompanied by the prescribed application fee.”.

Repeal of section 10 and substitution- C.A.V.O. may grant or refuse licence

6. The principal Law is amended by repealing section 10 and substituting the following-

“C.A.V.O. may grant or refuse licence

10. (1) Subject to subsection (2), on the receipt of an application for a licence to import or export any animal, carcass or biological product and the prescribed application fee, the C.A.V.O. shall consider the application and either-

- (a) may reject the application and notify the applicant

accordingly; or

- (b) on payment by the applicant of the prescribed licence fee, issue a licence in the prescribed form subject to such conditions, including quarantine, health and husbandry conditions, as he may consider desirable.

(2) When considering an application for a licence to import a live or viable specimen of an alien or genetically altered animal, the C.A.V.O. in accordance with any directives issued by the National Conservation Council, shall consult with that Council and take into account any views of the Council before granting any such licence.

(3) Prescribed application and licence fees paid in accordance with this section and section 9 are not refundable.”.

7. The principal Law is amended in section 11 as follows-

Amendment of section
11- Governor may make
regulations

- (a) by renumbering section 11 as section 11(1); and
- (b) by inserting after section 11(1) as renumbered the following subsection-

“(2) Where the regulations under subsection (1) relate to the importation of a live or viable specimen of alien or genetically altered animals the Governor shall consult with the National Conservation Council prior to making such regulations.”.

8. The principal Law is amended in section 13 as follows-

Amendment of section
7- Offences: Part II

- (a) by renumbering section 13 as section 13(1);
- (b) by amending section 13(1) as renumbered by inserting at the beginning of the subsection the words, “Subject to subsection (2),”; and
- (c) by inserting after section 13(1) as renumbered the following subsection-

“(2) A person who imports a live or viable specimen of an alien or genetically altered animal without a licence commits an offence and is liable on conviction to a fine of five hundred thousand dollars or to imprisonment for a term of four years or to both.”.

The Animals (Amendment) Bill, 2014

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| Repeal of section 78-
hunting protected
animals | 9. The principal Law is amended by repealing section 78. |
| Repeal of section 79-
hunting game birds | 10. The principal Law is amended by repealing section 79. |
| Repeal of section 80-
protected animals | 11. The principal Law is amended by repealing section 80. |
| Repeal of section 81-
game birds | 12. The principal Law is amended by repealing section 81. |
| Repeal of section 82-
animal sanctuaries | 13. The principal Law is amended by repealing section 82. |
| Repeal of section 83-
hunting, etc., in animal
sanctuary prohibited | 14. The principal Law is amended by repealing section 83. |
| Amendment of section
86- regulations | 15. The principal law is amended in section 86 by repealing paragraphs (a), (b), (d) and (f). |
| Transitional provisions | 16. (1) After the commencement of the National Conservation Law, 2013 and this amending Law all proceedings in respect of offences committed or alleged to have been committed against the principal Law prior to the date of the commencement of the National Conservation Law, 2013 and this amending Law shall be dealt with as if the National Conservation Law, 2013 and this amending Law had not come into force.

(2) Where anything done under or for the purposes of the principal Law would cease to have effect by virtue of this amending Law it shall have effect as if it had been done under and for the purposes of the corresponding provisions of the National Conservation Law, 2013.

(3) Until regulations are made under the National Conservation Law, 2013 to provide for a matter that may be prescribed by regulations under that Law the regulations made under the principal Law that are in force immediately before the commencement of the National Conservation Law, 2013 or this amending Law shall have effect until expressly repealed by the National Conservation Law, 2013 or by regulations made under that Law. |

Passed by the Legislative Assembly this day of , 2014

Speaker

Clerk of the Legislative Assembly