

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE PLANTS (IMPORTATION AND EXPORTATION) LAW (1997 REVISION) AS A CONSEQUENCE OF THE ENACTMENT OF THE NATIONAL CONSERVATION LAW 2013; AND FOR INCIDENTAL AND CONNECTED PURPOSES**



**THE PLANTS (IMPORTATION AND EXPORTATION) (AMENDMENT)  
BILL, 2014**

**MEMORANDUM OF OBJECTS AND REASONS**

The Bill seeks to amend the Plants (Importation and Exportation) Law (1997 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 4 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 plant, 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.

Clause 4 amends section 10 of the principal Law, which deals with penalties, to provide that a person who imports a live or viable specimen of an alien or genetically altered plant 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 5 amends section 10 of the principal Law to provide that prior to making regulations relating to any live or viable specimen of an alien or genetically altered plant, the Cabinet shall consult with the National Conservation Council.

Clause 6 contains transitional provisions.

**ARRANGEMENT OF CLAUSES**

1. Short title and commencement
2. Amendment of section 2 of the Plants (Importation and Exportation) Law (1997 Revision)- definitions
3. Amendment of section 4 of the principal Law- power to prescribe conditions
4. Amendment of section 9 of the principal Law- penalty
5. Amendment of section 10 of the principal Law -regulations
6. Transitional provisions

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**A BILL FOR A LAW TO AMEND THE PLANTS (IMPORTATION AND EXPORTATION) LAW (1997 REVISION) AS A CONSEQUENCE OF THE ENACTMENT OF THE NATIONAL CONSERVATION LAW 2013; AND FOR INCIDENTAL AND CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Plants (Importation and Exportation) (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 Plants (Importation and Exportation) Law (1997 Revision), in this Law referred to as the “principal Law”, is amended in section 2 by inserting after definition of the word “C.A.V.O.” the following definition- Amendment of section 2 of the Plants (Importation and Exportation) Law (1997 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 4 as follows- Amendment of section 4 of the principal Law- power to prescribe conditions

(a) by renumbering section 4 as section 4(1);

- (b) by amending section 4(1) as renumbered by inserting at the beginning of the subsection the words, “Subject to subsection (2),”; and
- (c) by inserting after section 4(1) as renumbered the following subsection-

“(2) When considering an application for a licence to import a live or viable specimen of an alien or genetically altered plant, 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.”.

Amendment of section 9 of the principal Law- penalty

4. The principal Law is amended in section 9 as follows-

- (a) by renumbering section 9 as section 9(1);
- (b) by amending section 9(1) as renumbered by inserting at the beginning of the subsection the words, “Subject to subsection (2),”; and
- (c) by inserting after section 9(1) as renumbered the following subsection-

“(2) A person who imports a live or viable specimen of an alien or genetically altered plant 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.”.

Amendment of section 10 of the principal Law- regulations

5. The principal Law is amended in section 10 by inserting after the word “effect” the words “and, where the regulations relate to live or viable specimen of alien or genetically altered plants, shall consult with the National Conservation Council prior to making such regulations.”.

Transitional provisions (1997 Revision)

6. (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.

*The Plants (Importation and Exportation) (Amendment) Bill, 2014*

Passed by the Legislative Assembly this        day of        , 2014

Speaker

Clerk of the Legislative Assembly