

CAYMAN ISLANDS



Supplement No published with [Extraordinary
Gazette] No dated , 2013.

A BILL FOR A LAW TO PROMOTE AND SECURE BIOLOGICAL DIVERSITY AND THE SUSTAINABLE USE OF NATURAL RESOURCES IN THE CAYMAN ISLANDS; TO PROTECT AND CONSERVE ENDANGERED, THREATENED AND ENDEMIC WILDLIFE AND THEIR HABITATS; TO PROVIDE FOR PROTECTED TERRESTRIAL, WETLAND AND MARINE AREAS; TO GIVE EFFECT TO THE PROVISIONS OF THE PROTOCOL CONCERNING SPECIALLY PROTECTED AREAS AND WILDLIFE TO THE CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE MARINE ENVIRONMENT OF THE WIDER CARIBBEAN REGION; TO GIVE EFFECT TO RELATED PROVISIONS OF THE CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY AS WATERFOWL HABITAT, THE CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS, THE GLOBAL CONVENTION ON BIOLOGICAL DIVERSITY AND THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE; TO REPEAL THE MARINE CONSERVATION LAW (2013 REVISION); AND FOR INCIDENTAL AND CONNECTED PURPOSES

THE NATIONAL CONSERVATION BILL, 2013

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to promote and secure biological diversity and the sustainable use of natural resources. The Bill also seeks to protect and conserve endangered, threatened and endemic animal and plant species and their habitats as well as the natural variety of wildlife in the Cayman Islands. The Bill would also repeal the Marine Conservation Law (2013 Revision). Certain provisions of the Animals Law (2013 Revision) must also be repealed because of the enactment of this legislation. Such repeal will be dealt with in the Animals (Amendment) Bill which should be enacted at the same time as this legislation.

The Bill would also provide for protected terrestrial, wetland and marine areas and give effect to the provisions of the Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (“SPAW”) and to related provisions of-

- (a) the Convention on Wetlands of International Importance especially as Waterfowl Habitat;
- (b) the Convention on Biological Diversity;
- (c) the Convention on the Conservation of Migratory Species of Wild Animals; and
- (d) the United Nations Framework Convention on Climate Change.

PART 1-PRELIMINARY

Clause 1 provides the short title and the commencement.

Clause 2 sets out definitions for the purposes of the legislation.

PART 2- ADMINISTRATION

Clause 3 provides for the establishment of the National Conservation Council (“the Council”) whose functions shall include the following-

- (a) subject to this legislation, managing and making recommendations on the use of the Fund;
- (b) promoting the biological diversity and the conservation and sustainable use of natural resources in the Islands;
- (c) co-ordinating the establishment and adoption by the public and private sectors of national policies for the conservation and sustainable use of natural resources, including-

- (i) the use of wetlands and wetland resources; and
- (ii) the excavation of aggregate and fill materials;
- (d) establishing and maintaining protected areas and conservation areas and conserving, maintaining and restoring their natural resources in accordance with Part 3;
- (e) conserving, maintaining and restoring populations and critical habitats of protected species in accordance with Part 4;
- (f) promoting the training of professional and voluntary personnel in the fields of research, management and wardening of protected areas and species and the other natural resources of the Islands; and
- (g) promoting wider understanding and awareness of the significance of the ecological systems of the Islands, the benefits of conserving natural resources and of the provisions of this Law and the Conventions;

Clause 4 provides that the Council may appoint advisory committees to assist it in its duties.

Clause 5 provides that the Council shall, no later than three months after the end of the financial year, prepare and submit to the Minister a report of its activities during the preceding year.

Clause 6 sets out the powers and duties of the Director of the Department of the Environment (“the Director”).

PART 3-CONSERVATION OF LAND

Clause 7 provides that the Cabinet may, after consultation with the Council, by order designate any area of Crown land as a protected area in accordance with this legislation.

Clause 8 sets out the purposes and objectives of a protected area.

Clause 9 provides the procedure for designating an area as a protected area.

Clause 10 provides that a management plan shall be formulated and adopted for each protected area. The management plan shall serve as a guide for all activities relating to the management, administration and conservation of the protected area to ensure that the purposes and objectives for which the area was established are met and maintained.

Clause 11 provides that a management plan may contain directives consistent with the plan for the prohibition or regulation of activities within a protected area.

Clause 12 provides for changes in the status of protected areas.

Clause 13 deals with the establishment of conservation areas.

Clause 14 provides that a proprietor of land may, as part of an agreement under clause 13 or in the interests of the conservation of any natural resource, covenant with the Cabinet, for such consideration as may be agreed, that the land be made subject, either permanently or for a specified period, to an easement or to a condition restricting the use or development of the land in such a way as may be specified in the agreement.

The Cabinet shall have the power to enforce the covenant against persons deriving title from the proprietor as if the Cabinet owned adjoining land and the covenant had been expressed to be for the benefit of that adjoining land.

PART 4-CONSERVATION OF WILDLIFE

Clause 15 specifies that the species of wildlife listed in Parts 1 and 2 of Schedule 1 are protected species.

Clause 16 empowers the Council to amend Schedule 1 by order. It also provides that a person may at any time petition the Council to add a species to or delete a species from Schedule 1 or to list a species in a different Part of Schedule 1.

Clause 17 provides that the Council shall develop and implement conservation plans for the conservation of protected species whose range includes the Islands. In developing conservation plans, the Council shall give priority to threatened or endangered species that are most likely to benefit from such plans, particularly species that are at risk from development projects or other forms of economic activity.

Clause 18 provides that the Council shall determine whether each protected species is also listed under SPAW or the Migratory Species Convention and, if not, whether any regional or international co-operation and assistance is desirable for the protection and recovery of the species, in which case the Council shall submit a nomination for listing under the Conventions as may be appropriate.

Clause 19 provides for measures the Council may take in order to prevent a species from becoming endangered.

PART 5-PERMITS AND LICENCES

Clause 20 provides that the Council may, upon written application by any person and subject to this clause, grant a permit to such person exempting him, subject to any limitations and conditions specified in the permit, from any of the provisions of this legislation as may be specified in the permit. The Council shall not grant a permit unless it is satisfied that-

- (a) in the case of a permit authorising an activity in a protected area, the activity is compatible with any management plan for the area or that appropriate and enforceable conditions can be imposed to ensure such compatibility;
- (b) in the case of a permit authorising an activity with regard to a protected species or its critical habitat, the activity is compatible with any conservation plan for the species or that appropriate and enforceable conditions can be imposed to ensure such compatibility and that the activity will not jeopardise or put at risk any population of the species; and
- (c) that the activity authorised by the permit-
 - (i) is justified for scientific, educational or management purposes; or
 - (ii) will help prevent significant damage to any critical habitat or crops.

Clause 21 provides that the Cabinet may, upon written application by any person who wishes to carry out any building, dredging or such other type of works in Cayman waters, grant a permit to such person exempting him, subject to any limitations and conditions specified in the permit, from any of the provisions of this legislation as may be specified in the permit.

Clause 22 provides that the Council may upon written application by any Caymanian grant a licence to him exempting him from any of the provisions of Part 4 of this legislation to meet traditional or cultural needs if the Council is satisfied that-

- (a) the hunting or collecting of a protected species will not be detrimental to the survival of that or any other protected species or its critical habitat;
- (b) the activity will not significantly reduce any population of a protected species; and
- (c) the activity will not have an adverse effect on the maintenance of a protected area or on any ecological process.

Clause 23 deals with issuing, renewal and amendment of permits and licences issued under this legislation.

Clause 24 deals with the suspension or revocation of a permit or licence issued under this legislation.

PART 6-ENFORCEMENT AND PENALTIES

Clause 25 provides for the appointment of conservation officers for the purpose of carrying out and enforcing the provisions of this legislation.

Clause 26 deals with the exercise of the powers of conservation officers.

Clause 27 deals with the seizure of a specimen by a conservation officer.

Clause 28 deals with the seizure of items other than a specimen by a conservation officer.

Clause 29 provides for compensation for loss arising upon the exercise of the powers of a conservation officer.

Clause 30 empowers the Director to issue cease and desist orders in certain circumstances, for example, where a person performs an act which would be an offence under this legislation or permits another person to do so or where a person fails to comply with any of the conditions attached to a permit or a licence issued under this legislation. A person who fails to comply with a cease and desist order commits an offence.

Clause 31 provides generally for offences and arrests for offences against this legislation.

Clause 32 makes it an offence to commit certain acts in protected or conservation areas.

Clause 33 provides for offences relating to protected species.

Clause 34 deals with offences committed in Cayman waters.

Clause 35 provides that the C.A.V.O. under the Animals Law and the Plants (Importation and Exportation) Law, and the Management Authority under the Endangered Species Trade and Transport Law, 2004, must consult with the Council when considering applications for certificates, licences or permits to import into, possess or transport in any part of the Islands a live or viable specimen of an alien or genetically altered species.

Clause 36 deals with offences by corporations. Where an offence is committed by a body corporate, every person who, at the time of the commission of the offence, was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to have committed the offence unless he proves that-

- (a) the offence was committed without his consent or connivance; and
- (b) that he exercised all such reasonable diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his function in that capacity and to all circumstances.

Clause 37 provides for the issue of injunctions in certain circumstances.

Clause 38 provides general penalties for offences under this legislation.

PART 7-GENERAL

Clause 39 provides for appeals against certain decisions of the Council. Appeals lie to the Cabinet and thereafter to the Grand Court.

Clause 40 provides that every vessel, other than one owned or operated by the Government of another country, while engaged in governmental non-commercial service or which is otherwise exempt under international law, shall comply with the provisions of this legislation while in Cayman waters.

Clause 41 provides in part that every entity shall comply with the provisions of this legislation and shall ensure that its decisions, actions and undertakings are consistent with and do not jeopardise the protection and conservation of a protected area or any protected species or its critical habitat as established pursuant to this legislation.

Clause 42 provides that at the time that the Council agrees to a proposed action subject to conditions imposed pursuant to clause 41 it may in its discretion direct that a schedule of inspections be carried out by or on behalf of the Director to ensure compliance with the conditions.

Clause 43 provides for environmental impact assessments.

Clause 44 provides for judicial review of actions taken by or of the failure to take action on the part of the Council, the Director or any other public officer under this legislation.

Clause 45 empowers the Cabinet to approve fees for permits, licences and for any other activity within a protected area.

Clause 46 provides for the continuation of the environmental protection fund to be used for the acquisition and management of protected areas and for measures to protect and conserve protected species and their critical habitat pursuant to an appropriation in accordance with the Public Management and Finance Law (2013 Revision). The environmental protection fund shall continue to be accounted for as a discretionary reserve in the financial statements of the core government in accordance with the Public Management and Finance Law (2013 Revision).

Clause 47 provides for the management of the Fund.

Clause 48 provides that the Council may designate suitable persons to be conservation wardens and provide them with such powers as may be considered necessary to enable them to assist in the enforcement of this legislation and such officers shall hold office at the Council's pleasure. Conservation wardens designated under this section shall serve voluntarily and shall not be entitled to claim or receive any remuneration for their services other than such allowances and gratuity payable from public funds as may be prescribed.

Clause 49 provides that the Cabinet may give to the Council in writing such general directions as appear to the Cabinet to be necessary having regard to the provisions of this legislation, the Conventions and the public interest and the Council shall act in accordance with such directions.

Clause 50 provides for the making of regulations by the Cabinet.

Clause 51 provides for the repeal of the Marine Conservation Law (2013 Revision).

Clause 52 contains transitional provisions.

Schedule 1 sets out the types of species protected under the legislation.

Schedule 2 sets out the composition of the Council.

Schedule 3 lists the contents of a management plan.

Schedule 4 specifies animal sanctuaries.

THE NATIONAL CONSERVATION BILL, 2013

ARRANGEMENT OF CLAUSES

PART 1-PRELIMINARY

1. Short title and commencement
2. Interpretation

PART 2-ADMINISTRATION

3. National Conservation Council
4. Advisory committees
5. Annual report to be laid in the Legislative Assembly
6. Functions of the Director

PART 3-CONSERVATION OF LAND

7. Designation of protected area
8. Purposes and objectives of a protected area
9. Procedure for designation
10. Management plan
11. Protective measures
12. Changes in status of protected areas
13. Conservation areas
14. Conservation agreements

PART 4-CONSERVATION OF WILDLIFE

15. Protected species
16. Listing procedure
17. Conservation plans
18. International measures
19. Preventative measures

PART 5-PERMITS AND LICENCES

20. Permits
21. Building, etc in Cayman waters-permits
22. Licences
23. Issuing, renewal and amendment of permit and licence
24. Suspension or revocation of a permit or licence

PART 6-ENFORCEMENT AND PENALTIES

25. Conservation officers
26. Powers of conservation officers
27. Seizure of specimen by conservation officer
28. Seizure of items other than specimen by conservation officer
29. Compensation for loss arising upon exercise of powers of conservation officer
30. Cease and desist orders
31. Offences and arrests for offences under this Law generally
32. Offences in protected areas
33. Offences relating to protected species
34. Offences in Cayman waters
35. Alien species
36. Offences by corporations
37. Injunctions
38. Penalties

PART 7-GENERAL

39. Appeals against the decisions of the Council
40. Vessels
41. General obligations
42. Schedules of inspections
43. Environmental impact assessments
44. Judicial review
45. Fees
46. Environmental protection fund
47. Management of the Fund
48. Designation of conservation wardens by the Council
49. Directions to the Council by the Cabinet
50. Regulations
51. Repeal of the Marine Conservation Law (2013 Revision)
52. Transitional arrangements

SCHEDULE 1

SCHEDULE 2

SCHEDULE 3

SCHEDULE 4

CAYMAN ISLANDS

A BILL FOR A LAW TO PROMOTE AND SECURE BIOLOGICAL DIVERSITY AND THE SUSTAINABLE USE OF NATURAL RESOURCES IN THE CAYMAN ISLANDS; TO PROTECT AND CONSERVE ENDANGERED, THREATENED AND ENDEMIC WILDLIFE AND THEIR HABITATS; TO PROVIDE FOR PROTECTED TERRESTRIAL, WETLAND AND MARINE AREAS; TO GIVE EFFECT TO THE PROVISIONS OF THE PROTOCOL CONCERNING SPECIALLY PROTECTED AREAS AND WILDLIFE TO THE CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE MARINE ENVIRONMENT OF THE WIDER CARIBBEAN REGION; TO GIVE EFFECT TO RELATED PROVISIONS OF THE CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY AS WATERFOWL HABITAT, THE CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS, THE GLOBAL CONVENTION ON BIOLOGICAL DIVERSITY AND THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE; TO REPEAL THE MARINE CONSERVATION LAW (2013 REVISION); AND FOR INCIDENTAL AND CONNECTED PURPOSES

ENACTED by the Legislative Assembly of the Cayman Islands.

PART 1-PRELIMINARY

1. (1) This Law may be cited as the National Conservation Law, 2013.

Short title and
commencement

(2) This Law shall come into force on such date as may be appointed by order made by the Cabinet, and different dates may be appointed for different provisions of this Law and in relation to different cases.

Interpretation

2. In this Law-

“adverse effect” means an effect that may result in the physical destruction or detrimental alteration of a protected area, a conservation area, an area of critical habitat or the environment generally and includes-

- (a) alterations that may impair the capacity of the area to function as a habitat beneficial to wildlife;
- (b) development that may increase the potential for damage to the area from floods, hurricanes or storms;
- (c) alterations of salinity levels, nutrient balance, oxygen concentration or temperature that may be harmful to wildlife or the ecological or aesthetic value of the area;
- (d) alterations of hydrology, water flow, circulation patterns, water levels or surface drainage that may be harmful to wildlife or the ecological or aesthetic value of the area or that may exacerbate erosion;
- (e) alterations that may interfere with the public use and enjoyment of the area;
- (f) the discharge of pathogens, dissolved or suspended minerals or solids, waste materials or other substances at levels that may be harmful to wildlife or the ecological or aesthetic value of the area;
- (g) changes in littoral or sediment transport processes that may alter the supply of sediment available for those processes or that may otherwise exacerbate erosion;
- (h) alterations that may increase losses of the area from a rise in the sea level with respect to the surface of the land, whether caused by an actual sea level rise or land surface subsidence;
- (i) emissions of air pollutants at levels that may impair the air quality of the area;
- (j) alterations that may hinder or impede the movement or migration of wildlife;
- (k) alterations that may impair the capacity of a beach ridge to function as a protective barrier and as a reserve of sand for beach nourishment during storms; and
- (l) alterations that may impair the capacity of the area to act as a sink or reservoir of greenhouse gases or enhance its potential as a source of greenhouse gases.

“advisory committee” means a committee established under section 4;

“alien species” means a species whose natural range does not include the Islands or, with reference to a specific Island, does not include that Island, and “alien” shall be construed accordingly;

“animal welfare officer” means a person appointed under section 84 of the Animals Law (2013 Revision); (2011 Revision)

“area” means an area of land;

“area of special concern” means an area needing special protection or controlled use in order to stabilise or restore important ecological features or functions;

“arms” includes batons, handcuffs and other means of restraints, protective vests, tasers and pepper spray;

“biological diversity” means the variability among living organisms from all sources, including terrestrial, marine and other aquatic ecological complexes of which they form part, and includes diversity within species, between species and of ecological systems;

“candidate species” means a species other than a protected species whose status under this Law is under investigation and consideration;

“Caymanian” means a person who possesses Caymanian status under the repealed Immigration Law (2003 Revision) or any earlier law providing for the same or similar rights, and includes a person who acquired that status under Part III of the Immigration Law (2013 Revision); (2003 Revision)
(2012 Revision)

“Cayman waters” means the inland waters, territorial waters and all other waters in which the Islands has jurisdiction in respect of the protection and preservation of the marine environment under international law;

“cease and desist order” means an order under section 30(1);

“Central Planning Authority” means the Central Planning Authority established under the Development and Planning Law (2011 Revision); (2011 Revision)

“Climate Change Convention” means the United Nations Framework Convention on Climate Change (New York, May 1992);

“collect”, in relation to a specimen includes to cut, uproot, pick, gather or remove the specimen from its original habitat;

“conservation agreement” means an agreement under section 13;

“conservation area” means an area of privately owned land that is regulated by a conservation agreement;

“conservation officer” means a person appointed under section 25;

“conservation warden” means a person designated under section 48;

“conservation plan” means a plan under section 17;

“Conventions” means the Climate Change Convention, Ramsar, the Migratory Species Convention, the Global Convention, the Regional Convention and SPAW and any amendments and successors to those Conventions;

“coral” includes all species of marine coral and specimens thereof;

“Council” means the National Conservation Council established under section 3;

“court” means the Grand Court;

“critical habitat” means the specific area or areas of land containing the physical, biological and ecological features needed for the conservation of a species as specified in the conservation plan related to that species;

(2011 Revision)

“Development Control Board” means the Development Control Board established under the Development and Planning Law (2011 Revision);

“direction” means a direction made by the Cabinet under this Law;

“directive” means a directive made by the Council under this Law and includes an interim directive under section 11(3) or 17(7);

“Director” means the Director of the Department of government responsible for the environment;

“district” means the district of Bodden Town, East End, George Town, North Side, West Bay, Cayman Brac or Little Cayman;

“ecological system” means a dynamic complex of species and their non-living environment interacting as a functional unit;

“endangered species” means a species that has been recorded in the wild in the Islands or whose range includes any part of the Islands and-

- (a) that is in danger of extinction throughout all or part of its range;
or
- (b) whose survival is unlikely if the factors jeopardising it continue to operate;

“endemic species” means a species whose breeding range is limited to the Islands or any part thereof;

“entity” means any body of the government and includes the Cabinet, any ministry, portfolio, statutory authority, government company, the Office of the Complaints Commissioner, the Office of the Director of Public Prosecutions and the Audit Office;

“environmental impact assessment” means an assessment under section 43;

“financial year” means a year commencing on 1 July and ending on 30 June;

“fish pot” means a trap for catching fish;

“Fund” means the environmental protection fund continued under section 46;

“Global Convention” means the Convention on Biological Diversity (Rio de Janeiro, 1992);

“government company” has the meaning assigned by the Public Management and Finance Law (2013) Revision;

(2013 Revision)

“greenhouse gases” means gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation;

“hunt” includes to pursue, stalk, trap or kill;

“incidental taking” means the taking of a species that is incidental to and not the purpose of an otherwise lawful activity;

“indigenous species” means a species, other than an alien species, whose breeding range includes any part of the Islands;

“injure” means to change adversely, whether in the long or short term, a chemical, biological, ecological or physical attribute;

“land” includes land covered with water and any terrestrial, wetland or marine area within the Islands;

(2004 Revision)

“Land Register” means the Land Register compiled under Division 2 of Part II of the Registered Land Law (2004 Revision);

“Law” includes any regulation, directive, order, direction and management or conservation plan given, made or adopted under this Law;

“licence” means a licence granted under section 22(1);

“management plan” means a management plan for a protected area made under section 10;

“marine area” includes any terrestrial or wetland area forming part of the same ecological system;

“migratory species” means a species whose range includes any part of the Islands but which only occurs or occurs primarily in the Islands seasonally or during its migration;

“Migratory Species Convention” means the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, June 1979);

“Minister” means the Minister responsible for the administration of this Law;

“Ministry” means the Ministry responsible for the administration of this Law;

(2010 Revision)

“National Trust” means the National Trust for the Cayman Islands established under the National Trust Law (2010 Revision);

“natural resource” means any living or non-living resource that contributes to the conservation of or to the scientific, biological, ecological, cultural, educational, recreational, archaeological, aesthetic or other value or potential value of an area of land;

“noxious substance” includes explosives and any substance not authorised under this Law by means of which a live specimen may be killed, stupefied or otherwise harmed;

“Part 1 species” means a species listed in Part 1 of Schedule 1, being an endangered or threatened species or a species otherwise requiring protection at all times;

“Part 2 species” means a species listed in Part 2 of Schedule 1, being a species that may only be hunted or collected in accordance with regulations or a conservation plan for that species;

“permit” means a permit granted under section 20 or section 21;

“person” includes any corporation, either aggregate or sole, and any club, society, association, entity or other body, of one or more persons;

“proprietor”, in relation to land or area, means the person registered under the Registered Land Law (2004 Revision) as the owner, chargee or lessee of that land or area; (2004 Revision)

“protected area” means-

- (a) an area designated as a protected area under section 7;
- (b) an area specified as a conservation area under section 13;
- (c) an animal sanctuary designated in Schedule 4;
- (d) a marine park zone as defined by the Marine Conservation (Marine Parks) Regulations (2007 Revision); (2007 Revision)
- (e) an area designated as a no-diving zone in accordance with the Marine Conservation Regulations (2004 Revision); and (2004 Revision)
- (f) a restricted marine area as designated under the Restricted Marine Areas (Designation) Regulations (2003 Revision); (2003 Revision)

“public officer ” has the meaning assigned by section 124 of the Cayman Islands Constitution Order 2009;

“protected species” means a species referred to in section 15;

“Ramsar” means the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar, Iran, February 1971);

“range” means all the areas in which a species naturally occurs, whether permanently, seasonally or temporarily, including areas which it crosses or flies over whether on migration or otherwise;

“Regional Convention” means the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena de Indias, Colombia, March 1983);

“Register” means the leaf of the Land Register kept in respect of a parcel of land or a registered lease under the Registered Land Law (2004 Revision); (2004 Revision)

(2004 Revision) “Registrar” means the Registrar of Lands appointed under section 5 of the Registered Land Law (2004 Revision);

“regulations” means regulations made under this Law;

“reservoir” means a component or components of the climate system where a greenhouse gas or a precursor of a greenhouse gas is stored;

“significant reasons” means-

- (a) a determination with respect to a protected area that, based upon reasonable factual evidence and after full consideration of the purposes for which the area was designated as a protected area, an overriding public interest would be clearly and convincingly advanced by changes in the protected status of the area and that no other reasonable alternative exists; or
- (b) a determination with respect to a protected species that, based upon generally accepted scientific procedures and clear and reasoned evidence, the population levels and conservation status of the species in the Islands are such that special protection under the Law is no longer necessary on those grounds;

“sink” means any process, activity or mechanism which removes a greenhouse gas, aerosol or precursor of a greenhouse gas from the atmosphere;

“SPAW” means the Protocol Concerning Specially Protected Areas and Wildlife to the Regional Convention (Kingston, Jamaica, January 1990);

“spear gun” includes a mechanical or pneumatic spear gun, a Hawaiian sling, a pole spear, a stick spear, a hook stick, harpoon, rod or any device with a pointed end which may be used to impale, stab or pierce any marine life, but does not include a striker;

“species” mean any species or subspecies of plant or animal or any geographically or genetically separate population thereof;

“specimen” means an animal or plant, whether live or dead, or any part or derivative thereof and includes, in the case of an animal, an egg, sperm, gamete or nest and, in the case of a plant, a seed or spore;

(2012 Revision) “statutory authority” means an entity established by a law to carry out functions which are capable, under that law, of being funded, partly or entirely, by money provided by the Cabinet, and for which the Governor or the Cabinet has the power to appoint or dismiss the majority of the Board or other governing body;

“striker” means a wooden pole at least ten feet in length with no more than two barb-less prongs attached to one end;

“sustainable use” means the use of the components of biological diversity or natural resources in a way and at a rate that does not lead to their long term decline, thereby maintaining their potential to meet the needs and aspirations of present and future generations;

“take” means to collect, hunt, kill, destroy, damage, injure, disturb, harass, harm, wound, capture, molest or impede a live specimen in any way or to attempt to do so, and includes incidental taking;

“terrestrial area” includes any wetland or marine area forming part of the same ecological system;

“threatened species” means a species that has been recorded in the wild in the Islands or whose range includes the Islands and-

- (a) that is likely to become endangered within the foreseeable future throughout all or part of its range if the factors causing its numerical decline or the degradation of its habitat continue to operate; or
- (b) that is rare and at risk of becoming endangered or extinct because it usually occurs only in restricted geographical areas or habitats or its population is thinly scattered over a more extensive area;

“vessel” includes any aircraft, hovercraft, ship, boat, lighter and other floating craft and all gear and equipment carried thereon;

“wetland” means any area of marsh, swamp, mangrove or other non-marine water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, and includes any terrestrial or marine area forming part of the same ecological system;

“Wider Caribbean Region” has the same meaning given to the term “Convention Area” in Article 2(1) of the Regional Convention; and

“wildlife” means all populations of live animals and plants in the Islands other than captive-bred, domesticated or cultivated specimens and “wild” shall be construed accordingly.

PART 2-ADMINISTRATION

National Conservation
Council

3. (1) There is established a National Conservation Council which shall exercise the powers and carry out the duties imposed on it by this Law.

(2) The Council shall consist of the thirteen voting members specified in Schedule 2 and such additional persons as may be co-opted in accordance with subsection (5).

(3) Seven voting members of the Council constitute a quorum.

(4) The decisions of the Council shall be by simple majority and the chairman shall have a casting vote only.

(5) The Council may co-opt such persons as it considers necessary to be additional members of the Council, but such persons shall not have the right to vote at meetings of the Council or any of its committees or subcommittees.

(6) Subject to the provisions of this Law, the Council may regulate its own procedure.

(7) Schedule 2 shall apply for the purposes of this section and the Cabinet may amend Schedule 2 by Order.

(8) The Council has the following functions-

- (a) subject to this Law, managing and making recommendations on the use of the Fund;
- (b) promoting the biological diversity and the conservation and sustainable use of natural resources in the Islands;
- (c) co-ordinating the establishment and adoption by the public and private sectors of national policies for the conservation and sustainable use of natural resources, including-
 - (i) the use of wetlands and wetland resources; and
 - (ii) the excavation of aggregate and fill materials;
- (d) establishing and maintaining protected areas and conservation areas and conserving, maintaining and restoring their natural resources in accordance with Part 3;
- (e) conserving, maintaining and restoring populations and critical habitats of protected species in accordance with Part 4;
- (f) promoting the training of professional and voluntary personnel in the fields of research, management and wardening of protected areas and species and the other natural resources of the Islands;

- (g) promoting wider understanding and awareness of the significance of the ecological systems of the Islands, the benefits of conserving natural resources and of the provisions of this Law and the Conventions;
- (h) publicising the establishment of protected areas and the designation of protected species and raise public awareness, through educational programmes and other means, of the significance and value of protected areas and species and of the benefits that may be gained from them;
- (i) encouraging public involvement, particularly by local communities, in the planning and management of protected areas and the conservation of protected species;
- (j) promoting the adoption of guidelines by entities for the integration of conservation issues into their decision making processes and for the achievement of the sustainable use of natural resources;
- (k) promoting district, national and regional initiatives, including co-operative enforcement measures and mutual assistance in the enforcement of national laws, in order to further the objectives of the Conventions;
- (l) promoting national plans for emergency responses to activities or events, whether caused naturally or not, that present a grave and imminent danger to biological diversity and encouraging international co-operation to supplement such national plans;
- (m) promoting national plans for the sustainable management, conservation and enhancement, as appropriate, of sinks and reservoirs of greenhouse gases; and
- (n) carrying out such other functions and duties as are specified under this Law and the regulations.

(9) In carrying out its powers and duties the Council may, subject to any directions of the Cabinet, enter into agreements and other co-operative arrangements with regional agencies, interstate agencies, voluntary organisations and other persons for the purpose of this Law and the Conventions.

(10) Without prejudice to the generality of subsection (9), arrangements pursuant to the subsection may provide for-

- (a) the regulation, promotion and co-ordination of surveys and research relating to natural resources;
- (b) the conservation of particular species pursuant to Articles IV and V of the Migratory Species Convention;
- (c) the establishment and operation of joint or regional conservation plans or management bodies for protected species;

- (d) the taking of joint or harmonised enforcement measures in respect of any laws relating to protected species or their critical habitats; and
- (e) the establishment of contingency plans for emergency responses to activities or events that present or may present a danger to biological diversity in the Wider Caribbean.

(11) The Council, subject to any directions of the Cabinet, may make orders and issue directives for the purpose of giving effect to the provisions of this Law and such orders and directives may include-

- (a) criteria for identifying endangered or threatened species or other species needing protection under this Law;
- (b) criteria for acquiring and managing protected areas and for the measures required to protect and conserve protected species and their critical habitat;
- (c) criteria for the application for, and grant of, monies from the Fund;
- (d) criteria for the review, assessment and reporting of activities funded in whole or in part by monies from the Fund;
- (e) the form and content of a petition under section 16(3);
- (f) procedures for determining the circumstances under which permits and licences may be granted under Part 5;
- (g) measures governing the methods and conditions under which the captive breeding or artificial propagation of protected species may be allowed;
- (h) procedures for regulating and controlling wild populations and the import, introduction, possession, transportation and release of alien or genetically altered specimens;
- (i) procedures for consultation by entities pursuant to section 41(3); and
- (j) the carrying out of environmental impact assessments under section 43.

(12) The Council may delegate any of its functions, other than the making of orders and the issuing of directives, to the Director or to any committee or sub-committee of its members.

Advisory committees

4. (1) The Council may appoint advisory committees consisting of members of the Council, representatives of districts and persons with knowledge and experience of conservation issues to assist it in the performance of its powers and duties under this Law.

(2) A committee under subsection (1) shall have such powers and duties as the Council may specify.

(3) Members of advisory committees shall be paid such fees or allowances as are prescribed.

5. (1) The Council shall, no later than three months after the end of the financial year, prepare and submit to the Minister a report of its activities during the preceding year.

Annual report to be laid in the Legislative Assembly

(2) The Minister shall, as soon as reasonably possible, submit the report under subsection (1) to the Cabinet for approval and thereafter such report shall be laid on the table of the Legislative Assembly by the Minister no later than three months after receipt of the report.

6. (1) The Director on behalf of the Ministry shall-

Functions of the Director

- (a) administer and enforce the provisions of this Law;
- (b) appoint a person to be secretary to the Council;
- (c) advise and support the Council in the performance of its powers and duties under this Law; and
- (d) carry out such functions as may be required by the Council or the Cabinet.

(2) In carrying out his functions the Director may do all or any of the following-

- (a) establish and maintain monitoring programmes for the purposes of-
 - (i) assessing the condition of natural resources and ecological systems in the Islands and assessing the impact of ongoing or proposed activities on them;
 - (ii) identifying and evaluating national and regional trends in the status of species in the Islands and the Wider Caribbean Region; and
 - (iii) assessing the effectiveness of and ascertaining compliance with management and protective measures under this Law;
- (b) compile comprehensive inventories of areas that-
 - (i) contain rare or fragile ecosystems;
 - (ii) are reservoirs of biological diversity;
 - (iii) are of ecological value in maintaining significant natural resources;
 - (iv) are important for indigenous or migratory species;
 - (v) act as significant sinks or reservoirs of greenhouse gases; or
 - (vi) are of scientific, biological, cultural, recreational, archaeological, educational or aesthetic value;

- (c) identify potential protected areas, conservation areas and areas of critical habitat and recommend to the Council the measures that should be taken under this Law to protect them;
- (d) carry out research on and monitor impacts on the natural resources, habitats, species and populations of protected areas;
- (e) inform the organisation or Government responsible for bureau duties under Ramsar at the earliest possible time should the ecological character of any wetland in the Islands included in the List of Wetlands of International Importance under Ramsar be likely to change or has changed as a result of development, pollution or other human act;
- (f) compile comprehensive inventories of species whose range includes the Islands;
- (g) monitor the populations of indigenous or migratory species and identify endangered, threatened, endemic or other species and their critical habitats requiring protection under this Law;
- (h) carry out and provide support for research and surveys into the protection and management of wildlife, including identifying candidate species and determining the population status and habitat needs of species whose survival may be endangered or threatened, and co-operate with research and monitoring programmes in the Wider Caribbean Region;
- (i) for the purposes of research, collect or obtain samples of species listed under this Law;
- (j) develop conservation plans for each protected species taking into account traditional cultural needs and any regional programmes under the Conventions;
- (k) develop criteria for determining whether wild populations or proposed introductions of alien or genetically altered species might cause harm to any of the natural resources of the Islands and procedures for regulating and controlling such populations and introductions;
- (l) where appropriate, nominate protected areas and protected species for inclusion on any applicable regional or international lists maintained pursuant to any of the Conventions;
- (m) supervise and be responsible for the work of the conservation officers and conservation wardens;
- (n) keep the Ministry and the Secretariat of the Migratory Species Convention informed of those species listed in Appendix I or II to the Convention whose range includes any part of the Islands and, at least six months prior to each ordinary meeting of the Conference held pursuant to the Convention, on the measures being taken to implement the provisions of the Convention for those species; and

- (o) make such periodic reports as may be required by the Climate Change Convention describing the steps taken or envisaged to implement the Convention.

(3) The Director, whenever necessary, shall carry out his functions in consultation with entities, government agencies, representatives of districts and advisory committees.

PART 3-CONSERVATION OF LAND

7. The Cabinet may, after consultation with the Council, by order designate any area of Crown Land or Cayman waters as a protected area in accordance with this Law. Designation of protected area

8. (1) A protected area shall have one or more of the following purposes or objectives- Purposes and objectives of a protected area

- (a) to conserve, maintain and restore habitats and their associated ecological systems critical to the survival and recovery of species which are endangered, threatened, endemic or migratory species or of special concern for any other reason;
- (b) to conserve, maintain and restore examples of representative or unique ecological systems and their physical environment of adequate size to ensure their long-term viability and to maintain biological and genetic diversity;
- (c) to conserve, maintain and restore the productivity of ecological systems and natural resources that provide economic or social benefits or are important for the protection and maintenance of life-support systems, including air and water and other ecological processes;
- (d) to facilitate the regeneration of wildlife in areas of special concern;
- (e) to conserve, maintain and restore areas of special biological, scientific, recreational, archaeological, ecological, cultural, educational or aesthetic value, including areas of special concern and areas whose ecological or biological processes are beneficial to the functioning of the ecosystems of the Wider Caribbean; and
- (f) to encourage ecologically sound and appropriate use, understanding and enjoyment of the area.

(2) In addition to meeting one or more purposes and objectives in subsection (1), the selection of a protected area shall be based on a consideration of the following criteria-

- (a) naturalness;
- (b) biological diversity;

- (c) ecological importance;
- (d) biogeographic importance;
- (e) scientific importance;
- (f) international, regional or national significance;
- (g) the practical feasibility of protection and management; and
- (h) potential for nature tourism.

Procedure for
designation

9. (1) A nomination of an area for protected status may be made by any person or organisation upon the submission to the Council of a proposal which shall contain the following information-

- (a) a description of the area in sufficient detail to plot its boundaries on a map or chart;
- (b) a statement of the reasons why the area should be selected for protection having regard to the purposes and objectives in section 8(1) and the criteria in section 8(2);
- (c) a description of any protected species or other species of special concern known to reside in or migrate through the area; and
- (d) any conservation problems known to be associated with the area and any special protective measures which may be required.

(2) A proposal under subsection (1) shall be received and evaluated by the Council and, for this purpose, the Council-

- (a) shall notify and consult with the proprietor of the area;
- (b) may consult such other persons or bodies as it thinks fit; and
- (c) may hold public hearings to assist it in the evaluation of the proposal.

(3) A notification under subsection (2)(a) shall be sent by the Council to the proprietor by registered mail to the address of the proprietor on the Land Register or at his last known address.

(4) The Council shall determine whether the nominated area serves a purpose or objective specified in section 8(1), having regard to the criteria in section 8(2) and-

- (a) if the area is Crown land, whether to recommend to the Cabinet that a protected area order be made; or
- (b) if the area is not Crown land, whether to recommend to the Cabinet that the area be acquired by the Crown and a protected area order be made or a conservation agreement be made with the proprietor of the area.

(5) Where the Council recommends that a protected area order be made under subsection (4) in respect of any land, the Council shall also determine whether any contiguous land which is not Crown land should be acquired by the

Crown or whether a conservation agreement should be made with the proprietor of the land.

(6) The Council, before submitting a recommendation to the Cabinet to designate a protected area in accordance with a proposal, shall publish a notice of the proposal in at least two issues of a public newspaper circulating in the Islands in each of two consecutive weeks.

(7) The notice referred to in subsection (6) shall-

- (a) identify the area concerned and explain the effects of the recommendation;
- (b) specify a place or places, which shall include a place in the relevant district, where copies of the proposal may be inspected by the public; and
- (c) state the address to which written objections or representations with regard to the recommendation should be sent.

(8) The Council shall take into account any written objection or representation with regard to the proposal received within twenty-eight days of the date of the latest notice referred to in subsection (6), or such longer period as may be stated in the notice, and shall thereafter take one of the following steps-

- (a) submit the original proposal, together with copies of all written objections or representations, to the Cabinet;
- (b) amend the original proposal and re-advertise it in accordance with this section;
- (c) amend the original proposal and, provided the amendments are not substantial, submit the amended proposal, together with copies of all written objections or representations, to the Cabinet; or
- (d) withdraw the recommendation.

10. (1) A management plan shall be formulated and adopted for each protected area. Management plan

(2) The management plan for a protected area shall comply with the requirements set out in Schedule 3 and shall serve as a guide for all activities relating to the management, administration and conservation of the protected area to ensure that the purposes and objectives for which the area was established are met and maintained.

(3) The Director shall, as soon as practicable after a protected area has been designated and prior to any development that may have an adverse effect on the area, prepare a management plan for approval by the Council.

(4) The Director, before submitting a management plan to the Council, shall-

- (a) send copies of the plan to any entities or government agencies that may be affected by the plan; and
- (b) publish notice of the plan in at least two issues of a public newspaper circulating in the Islands in each week for a period of two consecutive weeks.

(5) The notice referred to in subsection (4) shall specify a place or places, which shall include a place in the relevant district, where copies of the management plan may be inspected by the public and state the address to which written objections or representations with regard to the plan may be sent within a period of twenty-eight days from the latest publication of the notice or such longer period as the notice may specify.

(6) The Director shall take into account any written objections or representations with regard to the plan received in accordance with subsection (5) and may make such amendments to the plan as he thinks fit in the light of the objections and representations before referring it to the Council, together with copies of all the objections and representations, for confirmation.

(7) The Council shall submit the management plan, together with copies of all the written objections and representations received, to the Ministry for the approval of the Cabinet and shall not adopt the plan if, within a period of sixty days from the date of submission, the Council receives written notice from the Cabinet setting out reasons why the plan as submitted should not be adopted.

(8) Where a management plan is adopted in accordance with this section, the Council shall cause a notice to be published in the Gazette specifying the date upon which the management plan will come into force and the place where copies of the relevant management plan may be obtained by the public.

(9) A management plan shall be reviewed and revised by the Council at least once every five years and any proposed amendments shall be advertised and approved in accordance with the procedure set out in this Part for the adoption of a management plan.

Protective measures

11. (1) A management plan may contain directives consistent with the provisions of the plan for the prohibition or regulation, including management and licensing, of activities within the protected area.

(2) Without prejudice to the generality of subsection (1), directives made under this section may-

- (a) prohibit or regulate the entry of persons, animals or vehicles;
- (b) prohibit or regulate vessels so far as may be consistent with rights of passage and navigation under international law;
- (c) prohibit or regulate any activity that is likely, individually or cumulatively, to harm or adversely affect a protected area or that is otherwise not compatible with the purposes for which a protected area was established;
- (d) prohibit or regulate the dumping or discharge of waste or other substances;
- (e) prohibit or regulate the taking of specimens;
- (f) prescribe measures to protect, conserve and restore natural processes and ecological systems within a protected area, including the protection of water lenses, water flow, seasonal wetlands, sinks, reservoirs, soil and subsoil integrity and the seabed;
- (g) prescribe measures to protect, conserve and restore wildlife populations;
- (h) prescribe the types of development that would be compatible with the purposes for which a protected area was established or prohibit or regulate any development, construction or building, including roads, public works or utility services, that might adversely affect a protected area;
- (i) prohibit or regulate any archaeological activity, including the removal, damage or disturbance of any object that could be considered an archaeological object;
- (j) prohibit or regulate any activity involving the exploration, exploitation or modification of the soil, subsoil integrity or the seabed;
- (k) impose fees for entry into or the use of a protected area or for any licence or permit for activities in a protected area; and
- (l) create zones within a protected area for the purpose of prohibiting, restricting or permitting specified activities within a particular zone.

(3) Until such time as a management plan has been adopted for a protected area, the Council may, on the advice of the Director, issue such interim directives as the Council considers to be urgently required to protect the area, including any of the measures set out in subsection (2).

(4) The Council shall report the making of an interim directive under subsection (3) to the Cabinet and the directive shall cease to have effect on the commencement of a management plan for the protected area concerned or at such earlier time as the Council or the Cabinet may direct.

Changes in status of
protected areas

12. (1) The Cabinet may, after consultation with the Council, and subject to subsection (2), by order, remove the designation of any land as a protected area by amending or revoking an order made under section 7.

(2) An order by the Cabinet under this section shall include reasons for removing the designation of any land as a protected area and may direct the Council to identify a similar area under section 9 to replace the area from which the designation has been removed where the Council has not already done so.

(3) The Council, during a consultation under this section and before making any recommendation, shall publish a notice of the intention to remove the designation in at least two issues of a public newspaper circulating in the Islands in each of two consecutive weeks.

(3) The notice referred to in subsection (2) shall-

- (a) identify the land concerned and explain the effects of the recommendation;
- (b) specify a place or places, which shall include a place in the district where the land is located, where copies of the proposal may be inspected by the public; and
- (c) state the address to which written objections or representations with regard to the consultation should be sent.

(4) No order shall be made under subsection (1) unless-

- (a) if the land is listed under any of the Conventions, such procedures as the Convention may require for any change in its status are followed; and
- (b) the Council submits to the Cabinet its recommendations and all written objections and representations made under this section.

Conservation areas

13. (1) An area, not being Crown land, which meets one or more of the purposes and objectives for a protected area set out in section 8 may, on the recommendation of the Council to the Cabinet, become a conservation area by agreement between the proprietor and the Cabinet.

(2) An agreement made under subsection (1) shall-

- (a) specify the management, administration, financial and enforcement responsibilities of the Cabinet and of the proprietor to ensure furtherance of the objectives for which the area was chosen as a conservation area;
- (b) identify any regulations, directives or other restrictions on use that shall apply to the area; and

- (c) specify such other measures as may be considered necessary and appropriate to ensure furtherance of the purposes and objectives for which the area was selected as a conservation area.

14. (1) A proprietor of land, in so far as he is legally capable of doing so, may, as part of an agreement under section 13 or in the interests of the conservation of any natural resources, covenant with the Cabinet, for such consideration as may be agreed, that the land be made subject, either permanently or for a specified period, to an easement or to a condition restricting the use or development of the land in such a way as may be specified in the agreement. Conservation agreements

(2) A covenant under subsection (1) entered into by a proprietor of a lease shall be capable of existing only during the subsistence of the lease.

(3) Subject to subsection (2), the Cabinet shall have the power to enforce the covenant referred to in subsection (1) against persons deriving title from the proprietor as if the Cabinet owned adjoining land and the covenant had been expressed to be for the benefit of that adjoining land.

(4) An easement or a condition restricting the use or development of land contained in an agreement under this section shall, on presentation to the Registrar, be noted in the incumbrances section of the Land Register of the land or lease burdened by it as if it were an easement or restrictive agreement referred to in Division 5 of the Registered Land Law (2004 Revision) and had been expressed to be for the benefit of adjoining land. (2004 Revision)

PART 4-CONSERVATION OF WILDLIFE

15. The species of wildlife listed in Parts 1 and 2 of Schedule 1 are protected species under this Law. Protected species

16. (1) Subject to the following provisions of this section, the Council may make by order such modifications to Schedule 1 as it considers necessary or desirable for any of the following purposes- Listing procedure

- (a) in the case of Part 1, to list-
 - (i) all endangered or threatened species listed for the time being in Annex I or II to SPAW or Appendix I or II to the Migratory Species Convention whose range includes the Islands; and
 - (ii) all other species which, having regard to the considerations in subsection (4), require protection under this Law at all times; and

- (b) in the case of Part 2, to list species which, having regard to the considerations in subsection (4), require protection under this Law other than for such limited hunting or collecting of specimens as may be permitted by regulations or a conservation plan.
- (2) Any person or organisation, at any time, may petition the Council to add a species to or delete a species from Schedule 1 or to list a species in a different Part of Schedule 1.
- (3) A petition under subsection (2) shall be in such form and contain such information as the Council may specify.
- (4) In determining whether any species should be listed in Schedule 1, the Council shall have regard to all material considerations including-
- (a) whether, on the best available information, the species appear to be in danger of extinction throughout part or all of its range and unlikely to survive as a result of the continuation of factors jeopardising that species;
 - (b) whether, on the best available information, the species-
 - (i) appear to be likely to become endangered in the foreseeable future if the factors causing its numerical decline or the degradation of its habitat continue to operate; or
 - (ii) appear to be rare and either potentially or actually subject to decline and possible endangerment and extinction;
 - (c) whether the species-
 - (i) is of ecological significance;
 - (ii) is of biogeographic significance;
 - (iii) is of scientific significance;
 - (iv) is of national or regional significance;
 - (v) has potential for nature tourism;
 - (vi) is endemic to the Islands;
 - (vii) is of recreational significance;
 - (viii) is of cultural significance;
 - (ix) is of educational significance;
 - (x) is of aesthetic value; or
 - (xi) is of economic value; and
 - (d) whether the species has been identified as requiring protection or other conservation measures by any competent intergovernmental or international agency or organisation or by any other country in the Wider Caribbean Region.

(5) If the Council determines that a candidate species should be protected under this Law, the Council shall list the species in the appropriate Part of Schedule 1.

(6) If the Council determines that a species should be deleted from Schedule 1 or listed in a different Part of Schedule 1, the Council shall-

- (a) publish notice of the proposal, with a summary of the reasons for it, in at least two issues of a public newspaper circulating in the Islands in each of two consecutive weeks; and
- (b) take into account any representations made within fourteen days of the date of the latest notice referred to in paragraph (a), or such longer period as may be stated in the notice, before deciding whether a directive removing the species from Schedule 1 or listing the species in a different Part of Schedule 1 should be made.

(7) If the Council determines not to accept the recommendation of a petition under subsection (2), it shall give written notice of its reasons to the person or organisation submitting the petition.

(8) No order shall be made under subsection (1) deleting a species from Schedule 1 unless-

- (a) the Council certifies in writing that a significant reason exists to justify the order;
- (b) if the species is listed in Annex I or II to SPAW or Appendix I or II to the Migratory Species Convention, that the species has been de-listed in accordance with SPAW or the Convention as the case may be; and
- (c) the Council, having regard to the criteria in subsection (4) and all other material considerations, is satisfied that the order is reasonable.

(9) Until such time as an order is made under this section the Council may, on the advice of the Director, make such interim directives as may be urgently required for the immediate protection of the relevant species, including the prohibition of hunting or collecting of specimens and disturbance of its critical habitat.

(10) The Council shall report the making of an interim directive under subsection (9) to the Cabinet and the directive shall cease to have effect on the making of the order or at such earlier time as the Council or the Cabinet may direct.

17. (1) The Council shall formulate and adopt a conservation plan for each protected species whose range includes the Islands.

(2) In formulating and adopting conservation plans, the Council shall-

- (a) act in accordance with any directions given by the Cabinet; and
- (b) give priority to threatened or endangered species that are at risk from development projects or other forms of economic activity or that would otherwise be most likely to benefit from such plans.

(3) Conservation plans shall set out the steps which the Council considers to be necessary to achieve the conservation and survival of the species and its critical habitat and shall include-

- (a) in the case of species listed in Part 1 of Schedule 1-
 - (i) objective, measurable criteria which, when met, would result in a determination that the species be removed from that Part of Schedule 1; and
 - (ii) estimates of the time required and the costs involved to carry out those measures needed to achieve such goals and to achieve any intermediate steps towards that goal; and
- (b) in the case of species listed in Part 2 of Schedule 1-
 - (i) a prohibition of all non-selective means of hunting or collecting specimens and of all actions likely to cause the local disappearance of the species or serious disturbance to any of its populations;
 - (ii) where appropriate, the regulation of hunting or collecting specimens by reference to size, quantity, time of year or any other factor; and
 - (iii) the regulation of the taking, possession, transport or sale of specimens.

(4) The Council, before adopting a conservation plan, shall publish notice of the plan in at least two issues of a public newspaper circulating in the Islands in each of two consecutive weeks and the notice shall-

- (a) identify the species concerned;
- (b) outline any proposed restrictions in the conservation plan on taking specimens;
- (c) specify a place where copies of the plan may be inspected by the public; and
- (d) state the address to which written objections or representations with regard to the plan should be sent.

(5) The Council shall take into account any written objections or representations with regard to the plan received within twenty-eight days of the date of the latest notice referred to in subsection (4), or such longer period as may

be stated in the order, and may make such amendments to the plan as it thinks fit in the light of such objections or representations.

(6) The Council, after acting in accordance with the procedure in subsection (4), shall submit the conservation plan, together with copies of all the written objections and representations received, to the Ministry for the approval of the Cabinet and shall not adopt the plan if, within a period of sixty days from the date of submission, the Council receives written notice from the Cabinet setting out reasons why the plan as submitted should not be adopted.

(7) Until such time as a conservation plan has been adopted for a protected species, the Council may, on the advice of the Director, make such interim directives as may be urgently required for the immediate protection of that species, including the prohibition of hunting or collecting of specimens and disturbance of its critical habitat.

(8) The Council shall report the making of an interim directive under subsection (7) to the Cabinet and the directive shall cease to have effect on the adoption of a conservation plan for the species concerned or at such earlier time as the Council or the Cabinet may direct.

(9) Where a conservation plan is adopted in accordance with this section, the Council shall cause a notice to be published in the Gazette specifying the date upon which the conservation plan will come into force and the place where copies of the relevant management plan may be obtained by the public.

18. (1) The Council shall determine whether each protected species is also listed under SPAW and the Migratory Species Convention and, if not, whether any regional or international co-operation and assistance is desirable for the protection and recovery of the species, in which case the Council shall submit a nomination for listing under the Conventions as may be appropriate.

International measures

(2) Within ninety days from the listing of a species in the Annex to SPAW or the Appendices to the Migratory Species Convention that is not a protected species and for which a legally effective reservation has not been entered on behalf of the Government, the Council shall determine-

- (a) whether the range of the species includes any part of the Islands; and
- (b) if so, whether there exists any permit or licence that authorise the taking of the species in the Islands.

(3) Within thirty days of any determination under subsection (2) that the range of the species includes the Islands, the Council shall by Order add the species to Schedule 1 as follows-

- (a) if the species is listed in Annex I or II to SPAW or Appendix I or II to the Migratory Species Convention, the species shall be added to Part 1 of Schedule 1;
- (b) if the species is listed in Annex III to SPAW, the species shall be added to Part 1 or 2 of the Schedule if the Council considers this appropriate; and
- (c) in either case, the Council shall thereupon cancel any existing permit or licence relating to the species that is incompatible with its protected status.

(4) For any species deleted from the Annexes to SPAW or the Appendices to the Migratory Species Convention, the Council shall undertake a review of the status of the species in the Islands, having regard to the considerations in section 16(4), to determine whether the species should also be deleted from Schedule 1.

Preventative measures

19. In order to help prevent a species from becoming endangered or threatened, the Council may-

- (a) identify any species whose numbers appear to the Council to be in decline;
- (b) prescribe an optimal population level for the species;
- (c) refuse to issue permits or licences for the taking of the species or for activities that are likely to have a negative impact on the species or its critical habitat unless there is a prior determination by the Council that the activity will not result in any reduction in the population of the species below the optimal level;
- (d) on a periodic basis, review the population status of the species and assess the adequacy of the previously established population level; and
- (e) develop and implement a conservation plan for any species whose population falls below optimal levels for the purpose of restoring the population to its optimal level.

PART 5-PERMITS AND LICENCES

Permits

20. (1) Subject to subsection (6), the Council may, upon written application by any person and subject to this section, grant a permit to such person exempting him, subject to any limitations and conditions specified in the permit, from any of the provisions of this Law as may be specified in the permit.

- (2) The Council shall not grant a permit unless it is satisfied that-
- (a) in the case of a permit authorising an activity in a protected area, the activity is compatible with any management plan for the area or that appropriate and enforceable conditions can be imposed to ensure such compatibility; or
 - (b) in the case of a permit authorising an activity with regard to a protected species or its critical habitat, the activity is compatible with any conservation plan for the species or that appropriate and enforceable conditions can be imposed to ensure such compatibility and that the activity will not jeopardise or put at risk any population of the species; and
 - (c) in the case of both paragraphs (a) and (b), that the activity authorised by the permit-
 - (i) is justified for scientific, educational or management purposes;
 - (ii) will help prevent significant damage to any critical habitat or crops; or
 - (iii) is justified for commercial sustainable harvesting as allowed under a relevant management or conservation plan.

(3) The Council may, as a condition of granting a permit and having regard to the potential damage to natural resources from the activity and the costs of remedying that damage, require the applicant to-

- (a) post a bond in a form acceptable to the Council in such amount as the Council may determine; and
- (b) pay a prescribed mitigation fee which shall be applied to the Fund.

(4) The Council shall report the details of any permit granted pursuant to subsection (1) relating to a Part 1 species in accordance with any applicable provisions of the Conventions and shall make available to the public copies of all relevant documents.

(5) Subject to sections 23 and 24, a permit shall be valid for such period not exceeding two years as may be specified in the permit.

(6) This section does not to apply to any activity relating to building, dredging or such other type of works in Cayman waters dealt with in section 21.

21. (1) Subject to this section, the Cabinet may, upon written application by any person who wishes to carry out any building, dredging or such other type of works in Cayman waters, grant a permit to such person exempting him, subject to

Building, etc in Cayman
waters permits

any limitations and conditions specified in the permit, from any of the provisions of this Law as may be specified in the permit.

- (2) The Cabinet shall not grant a permit unless it is satisfied that-
 - (a) in the case of a permit authorising the works in a protected area, the works are compatible with any management plan for the area or that appropriate and enforceable conditions can be imposed to ensure such compatibility; or
 - (b) in the case of a permit authorising the works with regard to a protected species or its critical habitat, the works are compatible with any conservation plan for the species or that appropriate and enforceable conditions can be imposed to ensure such compatibility and that the activity will not jeopardise or put at risk any population of the species.

(3) The Cabinet may, as a condition of granting a permit and having regard to the potential damage to natural resources from the activity and the costs to remedy that damage, require the applicant to-

- (a) post a bond in a form acceptable to the Cabinet in such amount as the Cabinet may determine;
- (b) pay a prescribed mitigation fee which shall be paid into the Fund; and
- (c) pay prescribed royalties which shall be paid into the executive revenue.

(4) The Cabinet shall report the details of any permit granted pursuant to subsection (1) relating to a Part 1 species in accordance with any applicable provisions of the Conventions and shall make available to the public copies of all relevant documents.

(5) Subject to sections 23 and 24, a permit shall be valid for such period not exceeding two years as may be specified in the permit.

(6) The Cabinet, in accordance with regulations, may delegate any of its functions under this section to the Ministry, Director or to the Council.

(7) Sections 23 and 24(1) to (3) shall apply to a permit under this section and for the purposes where the word "Council" appears it shall be substituted by the word "Cabinet".

Licences

22. (1) The Council may upon written application by any Caymanian grant a licence to him exempting him from any of the provisions of Part 4 of this Law to meet traditional or cultural needs if the Council is satisfied that-

- (a) the hunting or collecting of a protected species will not be detrimental to the survival of that or any other protected species or its critical habitat;
- (b) the activity will not significantly reduce any population of a protected species; and
- (c) the activity will not have an adverse effect on the maintenance of a protected area or on any ecological process.

(2) A licence shall specify the name of the person who is engaged in the activity and a description of the activity including-

- (a) the purpose of the activity and the place and times at which it may be carried out;
- (b) a complete description of the methods, materials and equipment that may be used in the activity; and
- (c) a limit on the number, size and type of specimens that may be hunted or collected under the licence.

(3) The Council shall report the details of any licence granted pursuant to subsection (1) relating to a Part 1 species in accordance with any applicable provisions of the Conventions and shall make available to the public copies of all relevant documents.

(4) Subject to sections 23 and 24, a licence shall be valid for such period not exceeding two years as may be specified in the licence.

23. (1) An applicant for a permit or a licence shall pay the prescribed fee and shall provide such information in connection with the application as the Council may require.

Issuing, renewal and amendment of permit and licence

(2) A permit and a licence may be renewed from time to time in accordance with this section.

(3) An application for a renewal shall be made in writing to the Council and shall be accompanied by the prescribed fee.

(4) If the Council is satisfied that the applicant continues to meet the requirements for the issue of a permit or licence the Council shall renew the permit or licence.

(5) Subject to any directives of the Council setting out application periods for the renewal of a permit or licence, if an application for the renewal of a permit or licence has been made before the expiry of the permit or licence but has not been dealt with by the Council when the permit or licence is due to expire, the permit or licence continues in force until the application for renewal is dealt with

and any renewal in such a case shall be taken to have commenced from the day when the permit or licence would have expired but for the renewal.

(6) If the Council considers that a permit or licence should be amended the Council shall give the holder of the permit or licence a written notice-

- (a) that sets out the proposed amendment;
- (b) states the reasons for the proposed amendment; and
- (c) invites the holder to show cause, within fourteen days, why the permit or licence should not be amended as proposed.

(7) The Council may amend the permit or licence if, after considering and having regard to all representations made within fourteen days, the Council considers the permit or licence should be-

- (a) amended in the manner set out in the notice under subsection (6); or
- (b) in some other manner.

(8) The Council may amend a permit or licence by-

- (a) varying the duration of the permit or licence;
- (b) varying, adding to or removing terms, conditions or limitations in the permit or licence; or
- (c) attaching conditions to the permit or licence.

(9) Where the Council amends a permit or licence it shall give the holder a written notice of the amendment and inform the holder that he may appeal such amendment under section 39.

(10) A person who fails to comply with a condition in a permit or licence commits an offence.

Suspension or
revocation of a permit or
licence

24. (1) The Council may suspend or revoke the permit or licence issued under section 20, 21 or 22 where-

- (a) the holder of the permit or licence has been convicted of an offence under this Law or the regulations;
- (b) the holder has failed to comply with any condition set out in the permit or licence; or
- (c) it is necessary, in the opinion of the Council, to do so for the proper management and protection of a protected area, a protected species or its critical habitat.

(2) If the Council proposes to suspend or revoke a person's permit or licence the Council shall give to the person notice in writing of the proposal and

the Council's reasons for the proposal and shall invite the person to show cause why the Council should not proceed as proposed.

(3) A notice to show cause under subsection (2) shall state that within fourteen days of service of the notice, the holder of the permit or licence may make presentations in writing or otherwise show cause to the Council concerning the matter and the Council shall not determine the matter without considering any submissions or representations received within that fourteen day period.

(4) If the Council suspends or revokes a permit or licence under this section the Council shall give to the person notice in writing of the suspension or revocation and inform him that he may appeal such suspension or revocation under section 39.

PART 6—ENFORCEMENT AND PENALTIES

25. (1) For the purpose of carrying out and enforcing the provisions of this Law conservation officers shall be appointed in accordance with the Public Service Management Law (2013 Revision). Conservation officers
(2013 Revision)

(2) Conservation officers shall, for the purpose of performing their duties under this Law, have all the powers and immunities of constables acting generally in the ordinary course of their duty but shall not carry a firearm.

(3) Every constable and animal welfare officer shall, for the purpose of enforcing this Law, have all the powers of a conservation officer.

(4) A conservation officer, with the written authority of the Director given in accordance with directions of the Governor, may in the performance of his duties, carry such arms as may be specified in the written authority.

(5) A conservation officer shall be provided with a certificate of his appointment as conservation officer signed by the Chief Officer of the Ministry or his delegate and which bears a photograph of the conservation officer.

(6) A conservation officer shall, if requested to do so, produce his certificate for inspection to any persons in relation to whom the conservation officer is about to exercise, is exercising or has exercised a power under this Law.

(7) A certificate appearing to have been provided under this section is, without proof of the signature of the person who signed it or that person's authority to sign it, evidence of the appointment to which the certificate relates.

Powers of conservation
officers

26. (1) If a conservation officer suspects on reasonable grounds that a person has committed or is committing an offence under this Law or the regulations, the conservation officer may, for the purposes of this Law and using such force as may be necessary for the purpose-

- (a) stop and search any person in any public place, Crown lands or protected area;
- (b) stop, detain and search, in any public place, Crown lands or protected area, any vehicle, boat or other conveyance in or upon which he has reasonable cause to suspect that there is any specimen in respect of which any offence against this Law or any regulations has been committed or in or upon which he has reasonable cause to suspect that there is any specimen, noxious substance, spear gun, trap, net cage or other article or equipment used in the commission of any such offence;
- (c) require to be produced and examined and take copies of any permit or other documents required under this Law;
- (d) with a warrant, enter and search any premises that the conservation officer reasonably suspects may contain evidence of the commission of an offence against this Law or any regulations; and
- (e) without a warrant, and while in hot pursuit of a person whom the conservation officer reasonably suspects to have committed an offence against this Law or the regulations-
 - (i) enter and search any private premises including any dwelling house, garden, yard or other land that such suspected person has entered;
 - (ii) search any vehicle which has just entered onto such private premises and in which such suspected person may be found; and
 - (iii) search such suspected person while he is on such private premises.

(2) If a conservation officer is satisfied after exercising any of the powers of search under this section that there is reasonable evidence of an offence under this Law, he may arrest and detain any person suspected of the offence and seize any specimen, vessel, vehicle and any noxious substance, firearms, speargun, trap, net, cage and other article or equipment used in the commission of the offence.

(2013 Revision)

(3) Where a warrant to search any premises is required the conservation officer shall apply to the court or to a justice of the peace and the provisions of the Criminal Procedure Code (2013 Revision) which relate to search warrants shall apply accordingly.

(4) The search of a person under this section shall be carried out by a conservation officer of the same gender as that person or, where such a conservation officer is not available, the search shall be carried out by a constable of the same gender of the person in the presence of the conservation officer.

(5) The power of search conferred by subsection (1)(e) is only a power to search to the extent that it is reasonably required for the purpose for which the power of entry is exercised.

(6) Where access to premises is denied, a conservation officer may break and enter those premises to gain access for the purpose of an arrest.

(7) Any person who assaults, obstructs, intimidates, refuses to give his name and address or gives a false name and address to, or gives any other false information to a conservation officer in the performance of his duties commits an offence.

27. (1) Where a conservation officer seizes a specimen under this Law he may, after making a written inventory of the specimen seized-

Seizure of specimen by conservation officer

- (a) return such specimen to its natural habitat;
- (b) retain it for production in evidence to a court; or
- (c) dispose of it in any manner he considers expedient.

(2) The conservation officer shall submit the inventory made under subsection (1) to the Council and, in the case of a disposal under subsection (1)(c), he shall provide the Council with written details of such disposal.

(3) If a conservation officer disposes of a specimen in accordance with subsection (1)(c) by way of sale, the net proceeds of that sale shall be paid into the Fund.

(4) If a conservation officer disposes of a specimen in accordance with subsection (1) and-

- (a) it is later determined by a court that the specimen had not been caught due to the commission of an offence or had not been in the possession of any person in contravention of this Law; or
- (b) no proceedings are taken against the person in respect of the matter within six months of the seizure of the specimen,

the court may direct the Crown to return the specimen or, if that is not possible, to compensate the person from whom the specimen was seized or, where no proceedings are taken, the person, subject to the Limitation Law (1996 Revision),

(1996 Revision)

may apply in writing to the Council for the return of the specimen or for compensation therefor.

(5) The amount of compensation payable for the specimen shall be determined by agreement between the applicant and the Council or, if agreement cannot be reached within a reasonable time, by the summary court on the application of either the applicant or the chairman of the Council.

(6) The compensation payable under subsection (5) is the value of the specimen at the date of seizure.

Seizure of items other than specimen by conservation officer

28. (1) Where, pursuant to this Law a conservation officer seizes a vessel, vehicle and any noxious substance, firearms, speargun, trap, net, cage and other article or equipment reasonably suspected to have been used in the commission of an offence, the court may order either at the hearing or on application, that the item be returned to the person appearing to the court to be entitled to it or that it be disposed of otherwise in such manner as the court thinks appropriate.

(2) A conservation officer may, unless an order has been made under subsection (1), at any time return the item to the person from whom it is seized or may apply to the court for an order as to its disposal and a court may make any order that it might have made under subsection (1).

(3) If no proceedings are taken in respect of an offence relating to the item seized within six months after the seizure under this Law or, if proceedings are taken but no order for forfeiture is made, the item shall be returned to the person from whom it is seized.

(4) If no proceedings are taken in respect of an offence relating to the item seized within six months after the seizure under this Law or, if proceedings are taken but no order for forfeiture is made and the person from whom the item was seized cannot be located within a reasonable period of time, the conservation officer shall dispose of the item by way of sale or in such manner as he considers appropriate.

(5) Where a conservation officer disposes of an item in accordance with subsection (4) he shall submit a report of the disposal to the Council and if the item has been sold the proceeds of the sale shall be paid into the Fund.

Compensation for loss arising upon exercise of powers of conservation officer

29. (1) A person who has not been charged or who has not been found guilty of an offence under this Law and who alleges that he has suffered loss or damage as a result of the power of seizure, entry or other power conferred on a

(1996 Revision)

conservation officer by this Law may, subject to the Limitation Law (1996 Revision), apply to the Council for compensation for that loss or damage.

(2) Subsection (1) does not apply to compensation for any specimen or item for which a person has been compensated under section 27 or 28.

(3) The amount of compensation payable for the loss or damage shall be determined by agreement between the applicant and the Council or, if agreement cannot be reached within a reasonable time, by the summary court on the application of either the applicant or the chairman of the Council.

30. (1) The Director may, without prejudice to any other proceedings under this Law, issue an order in writing to any person-

Cease and desist orders

- (a) who performs any act which would be an offence under this Law, or permits any other person to do so, requiring him to cease and desist the unlawful act forthwith or by such date as may be specified in the order;
- (b) who fails to comply with any condition attached to a permit or licence, requiring him to cease and desist the activity for which the permit or licence was issued forthwith or by such date as may be specified in the order;
- (c) who fails to consult the Council pursuant to section 41(3), requiring him to cease and desist the action in respect of which the consultation was required forthwith or by such date as may be specified in the order; or
- (d) who fails to submit an environmental assessment within the time specified by the Council or who fails to comply with any condition or directive to which an environmental assessment is subject, requiring him to cease and desist the activity in respect of which the environmental assessment was required forthwith or by such date as may be specified in the order.

(2) Where the person to whom an order is issued under subsection (1) fails to comply with the order, the Director may take such steps as he considers appropriate to ensure the cessation of the activity to which the order relates.

(3) Where authorised by the Director pursuant to subsection (2), a conservation officer or constable may use such reasonable force as he may consider necessary for the purpose of ensuring compliance with the order.

(4) A person who fails to comply with a cease and desist order commits an offence.

Offences and arrests for offences under this Law generally

31. (1) A person who contravenes this Law commits an offence.

(2) Where a person is arrested for an offence under this Law, he is to be informed that he is under arrest and of the nature of the offence for which he is being arrested as soon as is practicable after his arrest.

(3) Where a person is arrested by a conservation officer, constable or animal welfare officer under this Law, subsection (1) applies regardless of whether the fact of the arrest is obvious.

(4) Nothing in this section is to be taken to require a person to be informed-

- (a) that he is under arrest; or
- (b) of the ground for the arrest,

if it was not reasonably practicable for him to be so informed by reason of his having escaped from arrest before the information could be given.

Offences in protected areas

32. (1) A person who, within a protected area not being authorised or permitted under this Law or under a conservation agreement-

- (a) takes a specimen;
- (b) damages, destroys or otherwise causes the loss of a natural resource;
- (c) damages, destroys or otherwise causes the loss of a natural or cultural feature or any sign or facility provided for public use and enjoyment;
- (d) clears land for cultivation or any other purpose;
- (e) deposits rubbish, litter or waste of any kind; or
- (f) dredges, quarries, extracts sand or gravel, discharge waste or any other matter or in any other way disturbs, alters or destroys the natural environment,

commits an offence.

(2) Where, in a protected area a person has possession or control of a specimen or a natural resource, he shall be deemed, unless he proves otherwise, to have taken it within that area.

Offences relating to protected species

33. (1) Subject to subsection (2), a person who, not being authorised or permitted under this Law-

- (a) takes or permits any other person to take a specimen of a protected species;

- (b) permits any domesticated animal to take a specimen of a protected species;
- (c) has a specimen of a protected species in his possession or control; or
- (d) exposes or offers for sale, exchange or donation, or purchases a specimen of a protected species,

commits an offence.

(2) This section does not apply to a Part 2 species unless-

- (a) a conservation plan has been adopted for that species; or
- (b) regulations made under this Law or continued in force by virtue of section 52(2) apply to it.

34. A person who, not being authorised or permitted under this or any other Law-

Offences in Cayman waters

- (a) uses a noxious substance for the purpose of taking any specimen in Cayman waters;
- (b) takes a specimen in Cayman waters while equipped with any kind of underwater breathing apparatus;
- (c) has a spear gun in his possession or takes a specimen in Cayman waters with the aid of a spear gun or has in his possession a specimen taken from Cayman waters with the aid of a spear gun;
- (d) uses or attempts to use any seine or gill net for the purpose of taking a specimen in Cayman waters;
- (e) has a fish pot in his possession or takes a specimen with the aid of a fish pot in Cayman waters or has in his possession a specimen taken from Cayman waters with the aid of a fish pot;
- (f) feeds, attempts to feed or provides or uses food to attract any shark in Cayman waters;
- (g) directly or indirectly causes or permits any pathogens, dissolved or suspended minerals or solids, waste materials or other substances to flow or to be discharged or put into Cayman waters;
- (h) directly or indirectly cuts, carves, injures, mutilates, removes, displaces or breaks any underwater coral or plant growth or formation in Cayman waters;
- (i) in Cayman waters, extracts sand, gravel, pebbles, stone, coral or such other material from the seabed by mechanical means or otherwise disturbs the seabed by mechanical means;
- (j) is found in possession of any material specified in paragraph (i) which was extracted in the manner therein specified; or
- (k) while diving or snorkelling in Cayman waters, whether using underwater breathing apparatus or not, wears gloves of any type,

commits an offence.

Alien species
(2013 Revision)
(1997 Revision)

35. (1) Where-

- (a) the C.A.V.O. is considering any licence or permit to import into, possess or transport in any part of the Islands a live or viable specimen of an alien or genetically altered species under the provisions of the Animals Law (2013 Revision) or the Plants (Importation and Exportation) Law (1997 Revision); and
- (b) the Management Authority is considering any certificate or permit to import into, possess or transport in any part of the Islands a live or viable specimen of an alien or genetically altered species under the provisions of the Endangered Species Trade and Transport Law, 2004,

they shall, in accordance with any directives issued by the Council, consult with the Council and take into account any views of the Council before granting any such certificate, licence or permit.

(2) A person who wishes to introduce or release in any part of the Islands a live or viable specimen of an alien or genetically altered species shall apply to the Council under this Law for a permit to do so.

(3) A person who knowingly introduces or releases in any part of the Islands a live or viable specimen of an alien or genetically altered species without a permit issued under this Law commits an offence.

(4) In this section-

“C.A.V.O.” means the Chief Agricultural and Veterinary Officer or any person acting under his direction; and

“Management Authority” means the authority established under section 4 of the Endangered Species Trade and Transport Law, 2004.

Offences by
corporations

36. Where an offence under this Law is committed by a body corporate, any person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to have committed the offence unless he proves-

- (a) that the offence was committed without his consent or connivance; and
- (b) that he exercised all such reasonable diligence to prevent the commission of the offence as he ought to have exercised having

regard to the nature of his function in that capacity and to all circumstances.

37. (1) Where, on the application of the Director acting on the advice of the Attorney General, it appears to the court that a person has done or is about to do or is likely to do any act constituted or directed towards the commission of an offence under this Law, the court may issue an injunction ordering any person named in the application-

Injunctions

- (a) to refrain from doing any act that the court considers may constitute or be directed towards the commission of an offence under this Law; or
- (b) to do any act that the court considers may prevent the commission of an offence under this Law.

(2) The court may refuse to issue an injunction under subsection (1) if forty-eight hours notice has not been given to the person named in the application unless the urgency of the situation is such that the service of the notice would not be in the public interest.

38. (1) Where no punishment is specifically prescribed under this Law a person who commits an offence under this Law is liable on conviction to a fine of five hundred thousand dollars or to imprisonment for a term of four years or to both.

Penalties

(2) Where a person has been convicted of any offence under this Law, the court may, having regard to the nature of the offence and the circumstances surrounding its commission, make an order in addition to any other punishment that may be imposed under this Law having any or all of the following effects-

- (a) prohibiting the offender from doing any act or engaging in any activity that may result in the continuation or repetition of the offence;
- (b) disqualifying the offender from holding any licence or permit under this Law either permanently or for such period of time as the court considers appropriate;
- (c) directing the offender to take such action as the court considers appropriate to remedy or avoid any harm to the environment or to any natural resources that results or may result from the act or omission that constituted the offence;
- (d) directing the offender to compensate the Crown, in whole or in part, for the cost of any remedial or preventative action taken by or on behalf of the Council or the Director as a result of the act or omission that constituted the offence;

- (e) directing the offender to perform community service in a protected area or in furtherance of the conservation of a protected species;
- (f) directing the offender to post such bond or pay such amount of money into court as will ensure compliance with any order made pursuant to this section; and
- (g) forfeiting to the Crown any specimen that was the subject of the offence and any vehicle or vessel or any noxious substance, firearm, speargun, trap, net or other article or equipment in respect of or by means of which the offence was committed.

(3) In making an order under subsection (2) forfeiting a vessel or a vehicle, the court may in the order specify a sum, not exceeding its market value, on the payment of which to the Crown the owner of the vessel or vehicle may recover ownership of it.

(4) Where the court makes an order under subsection (2) directing the offender to pay compensation to the Crown, the costs constitute a debt to the Crown and may be recovered as such in any court of competent jurisdiction.

PART 7-GENERAL

Appeal against decisions
of the Council

39. (1) A person aggrieved by a decision of the Council-
- (a) refusing an application for a permit or a licence;
 - (b) imposing a condition on a permit or a licence;
 - (c) amending a permit or licence;
 - (d) revoking or suspending a permit or a licence; or
 - (e) under section 41,

may, within ten days of the date on which notice of the decision is received, appeal against it to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal.

(2) On the hearing of an appeal, the Cabinet may, having regard to the provisions of this Law and the public interest, confirm, vary or reverse the decision appealed against or exercise any other power that the Council could have exercised under this Law and the Cabinet shall give reasons for its decision to the appellant.

(3) Any person aggrieved by a decision of the Cabinet under subsection (2) may, within fourteen days of the date on which notice of the written reasons for the decision was received, appeal to the court against the decision.

(4) All notices under this section shall be effective and shall be considered received on the date of personal delivery or delivery by registered mail at the last known address of the addressee, if delivered during normal business hours on any day, and if not delivered during normal business hours, on the next business day following delivery; and a notice given by electronic transmission shall be considered received on the next business day following the date of transmission.

40. (1) Every vessel, other than one owned or operated by the government of another country while engaged in governmental non-commercial service or which is otherwise exempt under international law, shall comply with the provisions of this Law while in Cayman waters. Vessels

(2) Without prejudice to subsection (1) and subject to subsection (3), this Law applies to-

- (a) all vessels belonging to the Government; and
- (b) all privately owned vessels registered in the Islands under the Merchant Shipping Law (2011 Revision). (2011 Revision)

(3) The Cabinet, after consultation with the Council, by order, may exempt a non-commercial vessel belonging to the Government from the application of any provision of this Law upon a finding based upon substantial evidence that compliance by the vessel is not reasonable for the time being, and shall include in the order a date on which a review of the determination of the exemption shall be made.

(4) All vessels to which this Law applies shall comply with its provisions at all times while in the waters of the Wider Caribbean Region and, while in the waters under the jurisdiction of any country that is a party to SPAW, shall comply with the written laws of that country as are consistent with international law relating to the protection of the marine environment and the conservation of marine resources.

(5) Subject to subsection (6), on a request from a country which is a party to SPAW for any investigation as to whether a vessel to which this Law applies may have violated any of that country's laws referred to in subsection (4), the Director shall cause the matter to be investigated.

(6) An investigation may be undertaken under subsection (5) only after the country requesting the investigation has furnished sufficient evidence to satisfy the Director that a violation has occurred.

(7) Upon completion of an investigation, the Director shall inform the country requesting the investigation of the action taken or proposed.

- General obligations
41. (1) Subject to subsections (2), (3) and (4), every entity shall comply with the provisions of this Law and shall ensure that its decisions, actions and undertakings are consistent with and do not jeopardise the protection and conservation of a protected area or any protected species or its critical habitat as established pursuant to this Law.
- (2) For the purposes of subsection (1) the Council shall formulate and issue directives giving guidance to entities on their duties under this Law, and any action taken in full accordance with such guidance shall be deemed to be in compliance with this Law.
- (3) Every entity shall, in accordance with any directives issued by the Council, consult with the Council and take into account any views of the Council before taking any action including the grant of any permit or licence and the making of any decision or the giving of any undertaking or approval that would or would be likely to have an adverse effect on the environment generally or on any natural resource.
- (4) Every entity in accordance with any directives issued by the Council and regulations made under this Law shall apply for and obtain the approval of the Council before taking any action including the grant of any permit or licence and the making of any decision or the giving of any undertaking or approval that would or would be likely to have an adverse effect, whether directly or indirectly, on a protected area or on the critical habitat of a protected species.
- (5) In the case of a proposed action to which subsection (4) applies, the Council may, having regard to all the material considerations in this Law and regulations made under this Law-
- (a) agree to the proposed action subject to such conditions as it considers reasonable, in which case the originating authority shall ensure that the proposed action is made subject to such conditions; or
 - (b) if the Council considers that the adverse impact of the proposed action cannot be satisfactorily mitigated by conditions, the Council shall so direct the originating authority and that authority shall refuse to agree to or refuse to proceed with the proposed action.
- (6) Any person aggrieved by a decision of the Council under this section may appeal against it to the Cabinet in accordance with section 39.
- Schedules of inspections
42. (1) At the time that the Council agrees to a proposed action subject to conditions imposed pursuant to section 41(5)(a), it may, in its discretion, direct

that a schedule of inspections be carried out by or on behalf of the Director to ensure compliance with the conditions.

(2) Where a schedule of inspections has been required by the Council under subsection (1)-

- (a) the Central Planning Authority or the Development Control Board shall not issue a certificate of completion pursuant to the Development and Planning Law (2011 Revision) in respect of the proposed action until the Council has certified that the conditions imposed pursuant to section 41(5)(a) have been complied with; and (2011 Revision)
- (b) an entity, other than the Central Planning Authority and the Development Control Board, which has authority to give final approval in respect of the proposed action shall not give such final approval until the Council has certified as specified in paragraph (a).

43. (1) In any consultations pursuant to section 41(3) or before granting an approval under section 41 (4), the Council may, in its discretion and within such times as it may specify, require an environmental impact assessment to be carried out of the proposed action. Environmental impact assessments

(2) An environmental impact assessment shall-

- (a) assess the proposed action having regard to its direct, indirect and cumulative impact and the need to-
 - (i) protect and improve public health and social and living conditions;
 - (ii) preserve natural resources, ecological functions and biological diversity;
 - (iii) protect and conserve protected areas and conservation areas;
 - (iv) protect and conserve protected, endemic and migratory species and their habitats; and
 - (v) avoid any adverse effects of climate change on the quality of the environment;
- (b) be carried out by a person approved by the Council; and
- (c) comply with any directives of the Council and regulations made under this Law.

(3) All documents relating to an environmental impact assessment shall be available for public inspection and review.

(4) The preparation of an environmental impact assessment under this Part and the costs of monitoring inspections pursuant to section 42(1) shall be at the

expense of the person undertaking or intending to undertake the proposed action; and for that purpose, the Council may require the provision of a performance bond or an escrow account in a form acceptable to the Council and in such amount as may be specified by the Council having regard to-

- (a) the total cost of the proposed action;
- (b) the estimated costs of restoration for any potential damage to the environment or natural resources identified by the Director;

the applicant's past record of compliance with the Law and the estimated costs of monitoring the proposal.

Judicial review

44. Any person may, without prejudice to any other legal redress he might have, make an application to the court for the judicial review of any act or omission under this Law of any entity, public officer, the Council or the Director that is alleged to be in violation of any provision of this Law.

Fees

45. The Cabinet may, not more than once each year, approve a tariff of fees to be charged for-

- (a) the issue of permits;
- (b) the issue of licences; and
- (c) any other activity within a protected area as the Cabinet may determine.

Environmental protection fund

46. (1) There continues to be established and managed an environmental protection fund to be used for the acquisition and management of protected areas and for measures to protect and conserve protected species and their critical habitat pursuant to an appropriation in accordance with the Public Management and Finance Law (2013 Revision).

(2013 Revision)

(2) The Fund shall continue to be accounted for as a discretionary reserve in the financial statements of the core government in accordance with the Public Management and Finance Law (2013 Revision).

(3) The following executive revenue shall, upon being earned by the Government, be paid into the Fund-

- (a) one hundred per cent of the environmental protection fee collected under section 6 of the Travel (Departure Tax and Environmental Protection Fee) Law (2003 Revision); and
- (b) one hundred per cent per cent of all fees paid under this Law and any fines, compensation and costs imposed in respect of offences under this Law.

(2003 Revision)

(4) The Governor may, by regulation, amend subsection (3).

(5) Regulations made under subsection (4) are subject to negative resolution of the Legislative Assembly.

(6) Voluntary contributions or grants by individuals or organisations paid to Government for the benefit of environmental protection may be paid into the Fund.

(7) The Government may make additional appropriations to the Fund from the revenue, borrowings or other funds of the Government in accordance with the Public Management and Finance Law (2013 Revision). (2013 Revision)

47. (1) Pursuant to this Law, the Council shall advise the Cabinet on the use of the Fund and shall be responsible for the management of the Fund as directed by the Cabinet. Management of the Fund

(2) The annual report of the Council shall include an account of activities funded in whole or in part by monies from the Fund.

(3) Recommendations for funding shall be submitted by the Council to the Ministry as part of the normal budget process.

(4) The Council shall enter into agreements with the Department, other government entities, non-governmental organisations or other persons to carry out any of the activities required to give effect to the purposes of the Fund.

(5) Payment for activities specified under subsection (4) shall be made by the Ministry on the direction of the Council.

(6) The Council shall periodically review the activities and the result of these reviews shall be included in the annual report of the Council.

48. (1) Subject to subsection (4), the Council may designate suitable persons to be conservation wardens and the Council shall grant conservation wardens such powers and responsibilities as the Council considers necessary to enable them to assist in the enforcement of this Law. Designation of conservation wardens by the Council

(2) A conservation warden shall hold office at the Council's pleasure.

(3) Conservation wardens designated under this section shall serve voluntarily and shall not be entitled to claim or receive any remuneration for their services other than such allowances and gratuity payable from public funds as may be prescribed.

(4) A conservation warden designated under this section, while on duty, for the purpose of performing his duty, may be granted all the powers and immunities of a conservation officer appointed under this Law, other than the power of arrest.

(5) Section 25(4) to (7) apply to conservation wardens designated under this section.

Directions to the
Council by the Cabinet

49. The Cabinet may give to the Council in writing such general directions as appear to the Cabinet to be necessary having regard to the provisions of this Law, the Conventions and the public interest and the Council shall act in accordance with such directions.

Regulations

50. (1) The Cabinet may make regulations-
- (a) designating land as a protected area and prescribing conditions applicable to each area or zone;
 - (b) regulating or prohibiting the captive breeding or artificial propagation of protected species;
 - (c) prescribing the days of the year on which, and the circumstances and conditions under which, a specimen of a Part 2 species may be taken;
 - (d) prescribing limitations, whether by number, size or any other criteria, on specimens of Part 2 species which may be taken;
 - (e) controlling or prohibiting whether generally or in respect of any specified area of land or of any specified species, genus, family, order or class of animal or plant, the methods which may be employed in taking specimens;
 - (f) controlling or prohibiting whether generally or in respect of any specified species, genus, family, order or class of animal or plant, the import and export of specimens;
 - (g) requiring persons to render returns with respect to activities involving specimens containing such information as may be prescribed;
 - (h) controlling or regulating populations of alien or genetically altered species;
 - (i) prescribing the powers and responsibilities of conservation officers;
 - (j) prescribing insignia and badges which may be displayed or worn exclusively by conservation officers and conservation wardens;
 - (k) prescribing measures for the protection of wildlife from damage by anchors and similar devices;
 - (l) prescribing fees or allowances to be paid to members of advisory committees;

- (m) prescribing forms of applications, permits and licences;
- (n) relating to such other matters as may be necessary or desirable pursuant to this Law or the Conventions.

(2) Any power of the Cabinet to make regulations or an order under this Law includes power-

- (a) to make different provisions in relation to different cases or classes of case;
- (b) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions; and
- (c) to impose fees or to provide for the waiver of fees in certain circumstances,

as the Cabinet considers necessary.

(3) Regulations made under this Law may provide that the contravention of any provision constitutes an offence and may prescribe penalties for any such offence not exceeding the maximum fine and term of imprisonment prescribed in this Law for any offence under this Law.

51. The Marine Conservation Law (2013 Revision) is repealed.

Repeal of the Marine
Conservation Law (2013
Revision)

52. (1) All proceedings pending at the date of the commencement of this Law in respect of offences committed or alleged to have been committed against the Marine Conservation Law (2013 Revision) shall be continued and dealt with as if this Law had not come into force.

Transitional
arrangements
(2013 Revision)

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

(3) Where anything done under or for the purposes of the Marine Conservation Law (2013 Revision) would cease to have effect by virtue of the repeal of that Law it shall have effect as if it had been done under and for the purposes of this Law.

(4) Where prior to the commencement of this Law applications were made for the grant of licences under the Marine Conservation Law (2013 Revision) and such applications have not been wholly or partly dealt with at the date of commencement of this Law, such applications shall be taken to be applications

made under this Law and the Council shall deal with all such applications in accordance with this Law.

Section 15

SCHEDULE 1			
PART 1			
SPECIES PROTECTED AT ALL TIMES			
Marine Animals	Details	Scientific Name	Common Name
Marine mammals	All species	Cetacea	Whales, dolphins
		Sirenia	Manatees
Marine turtles	All species	<i>Caretta caretta</i>	Loggerhead turtle
		<i>Chelonia mydas</i>	Green turtle
		<i>Dermochelys coriacea</i>	Leatherback turtle
		<i>Eretmochelys imbricata</i>	Hawksbill turtle
Crocodiles		<i>Lepidochelys kempii</i>	Kemp's Ridley turtle
		<i>Crocodylus acutus</i>	American crocodile
		<i>Crocodylus rhombifer</i>	Cuban crocodile
Fishes		<i>Epinephelus itajara</i>	Jewfish, Goliath grouper
		<i>Malacanthus plumieri</i>	Tilefish
		Monacanthidae	Filefish
		Pomacanthidae	Angelfish
Sharks and rays		Elasmobranchii	Sharks and rays
Lobsters	All bar part 2 listed species	Palinura / Achelata	Lobsters
Urchins, Starfish, etc.	All species	Echinodermata	Starfish, Sea-dumplings, Urchins, Sea Eggs, Sand Dollars

Marine Animals	Details	Scientific Name	Common Name	
Corals and Anemones	All hard and soft corals (inc. Black corals, Gorgonians and Telestaceans)	Anthozoa	Corals and anemones	
		Milleporidae	Fire corals	
		Stylasteridae	Lace corals	
Sponges	All species	Porifera	Sponges	
Conch, Snails, etc.		Cassis flammea	Flame Helmet	
		Cassis madagascariensis	Emperor Helmet, Queen Helmet, Queen Conch	
		Cassis tuberosa	King Helmet, Queen Conch	
		Cypraeoidea	Cowries & Flamingo Tongues	
		Littorinidae	Periwinkles	
		Nerita	Bleeding Teeth	
		Phalium granulatum / Semicassis granulata	Helmet	
		Polyplacophora	Chitons	
		All bar Part 2 listed species	Strombidae	Conchs
			Tonnidae	Tuns
	Charonia	Tritons		
Terrestrial Animals	Details	Scientific Name	Common Name	
Bats	All species	Chiroptera	Bats	
Birds	All bar Part 2 listed species	Aves	Birds	
Crocodiles		Crocodylus acutus	American crocodile	
		Crocodylus rhombifer	Cuban crocodile	
Iguanas	Grand Cayman endemic	Cyclura lewisi	Grand Cayman Blue iguana	
	Sister Islands endemic	Cyclura nubila caymanensis	Sister Islands Rock iguana	
Butterflies		Anaea echemus daneliana	Chestnut Leaf butterfly	
		Endemic	Brephidium exilis	Pygmy Blue butterfly

		thompsoni	
		Hemiargus ammon erembis	Lucas' Blue butterfly
		Papilio andraemon taylori	Swallowtail butterfly
Snails	Endemic	Cerion nanus	Little Cayman snail
Terrestrial Plants	Details	Scientific Name	Common Name
Critically endangered plants	Grand Cayman endemic	Aegiphila caymanensis	none
	Grand Cayman endemic	Agalinis kingsii	none
	Sister Islands endemic	Banara caymanensis	none
	Grand Cayman endemic	Casearia staffordiae	none
	Little Cayman endemic	Chamaesyce bruntii	none
	Little Cayman endemic	Dendropemon caymanensis	none
	Grand Cayman endemic	Dendrophyllax fawcettii	Ghost orchid
	Sister Islands endemic	Encyclia kingsii	Orchid
	Cayman Brac endemic	Epiphyllum phyllanthus var. plattsii	Cayman Brac cactus
	Grand Cayman endemic	Hohenbergia caymanensis	Old George
	Cayman Brac endemic	Consolea millspaughii caymanensis	Cayman Brac cactus
	Grand Cayman endemic	Pectis caymanensis var. robusta	Tea banker
	Critically endangered	Pisonia margaretae	(none)
	Grand Cayman endemic	Salvia caymanensis	Cayman Sage
	Grand Cayman endemic	Terminalia eriostachya margaretae	Black Mastic
	Greater antillean	Tolumnia calochila	Orchid
	Greater antillean	Tolumnia variegata	Orchid
	Cayman Brac endemic	Verbesina caymanensis	(none)

PART 2			
SPECIES WHICH MAY BE HUNTED OR COLLECTED (IN ACCORDANCE WITH REGULATIONS OR A CONSERVATION PLAN, IF ANY)			
Marine Animals	Details	Scientific Name	Common Name
Fishes	All bar Part 1 listed species	Teleostei	All bony fishes
		Atherinidae	Fry, Silversides
		Clupeidae	Herrings
		Engraulidae	Anchovies
		<i>Epinephelus striatus</i>	Nassau grouper
		<i>Selar crumenophthalmus</i>	Goggle eyes
		<i>Starksia y-lineata</i>	Y-Lined blenny
Lobsters		<i>Panulirus argus</i>	Spiny lobster
Mussels	Endemic	<i>Cosa caribbaea</i>	Tulip mussel
Clams	Endemic	<i>Tranzenella gerrardi</i>	Commissioner Gerrard's clam
Conchs and Marine Snails		<i>Cittarium pica</i>	Whelk
		<i>Strombus gigas</i>	Conch, Queen conch, Broadleaf conch, Pink conch, Samba conch
		<i>Turbonilla alfredi</i>	Alfred's turbonille
Marine Plants	Details	Scientific Name	Common Name
Seagrasses		<i>Halodule wrightii</i> (= <i>ciliate</i> / <i>bermudensis</i> / <i>beaudettei</i>)	Eel grass
		<i>Syringodium filiforme</i> (= <i>Cymodocea manitorum</i>)	Manatee grass
		<i>Thalassia testudinum</i>	Turtle grass
		<i>Halophila baillonis</i> (= <i>aschersonii</i>)	Keys grass
		<i>Halophila decipiens</i>	Paddle grass
	<i>Halophila engelmannii</i>	Star grass	

Algae		Chlorophyta	Green algae
		Phaeophyta	Brown algae
		Rhodophyta	Red algae
Terrestrial Animals	Details	Scientific Name	Common Name
Birds	Game birds	<i>Anas discors</i>	Blue-winged teal
		<i>Zenaida asiatica</i>	White-winged dove
Aquatic turtle		<i>Trachemys decussata angusta</i>	Hickatee, Taco River Slider, Higatee
Snakes	Grand Cayman endemic	<i>Alsophis caymanus (cantherigerus caymanus)</i>	Grand Cayman Racer
	Cayman Brac endemic	<i>Alsophis fuscicauda (cantherigerus fuscicauda)</i>	Cayman Brac Racer
	Little Cayman endemic	<i>Alsophis ruttyi (cantherigerus ruttyi)</i>	Little Cayman Racer
	Grand Cayman endemic	<i>Tretanorhinus variabilis lewisi</i>	Grand Cayman Water Snake
	Grand Cayman endemic	<i>Tropidophis caymanensis caymanensis</i>	Grand Cayman Ground Boa, Lazy snake
	Little Cayman endemic	<i>Tropidophis caymanensis parkeri</i>	Little Cayman Ground Boa, Wood snake
	Cayman Brac endemic	<i>Tropidophis caymanensis schwartzi</i>	Cayman Brac Ground Boa, Lazy snake
	Cayman Brac endemic	<i>Typhlops epactius (biminiensis epactia)</i>	Cayman Brac Blind Snake
Grand Cayman endemic	<i>Typhlops caymanensis</i>	Grand Cayman Blind Snake	
Lizards and geckos		<i>Anolis conspersus conspersus</i>	Western Grand Cayman Blue-Throated anole
		<i>Anolis conspersus lewisi</i>	Eastern Grand Cayman Blue-Throated anole
		<i>Anolis maynardi</i>	Little Cayman Green anole
		<i>Anolis sagrei luteosignifer</i>	Bush Lizard, Cayman Brac Brown anole
		<i>Celestus crusc ulus maculatus</i>	Yellow Galliwasp

		<i>Leiocephalus carinatus granti</i>	Lesser Cayman Islands Curly-tailed lizard
		<i>Leiocephalus carinatus varius</i>	Grand Cayman Curly-tailed lizard
		<i>Sphaerodactylus argivus argivus</i>	Cayman Brac Ground gecko
		<i>Sphaerodactylus argivus bartschi</i>	Little Cayman Ground gecko
Terrestrial Animals cont	Details	Scientific Name	Common Name
Lizards and geckos cont		<i>Sphaerodactylus argivus lewisi</i>	Grand Cayman Ground gecko
Brackish water fishes		<i>Gambusia xanthosoma</i>	Mosquitofish
		<i>Limia caymanensis</i>	Mosquitofish
Crabs		<i>Cardisoma guanhumii</i>	Land crab
		<i>Coenobita clypeatus</i>	Soldier crab, Hermit crab
Scorpions	Cayman Islands endemic	<i>Heteronebo caymanensis</i>	Grand Cayman scorpion
Centipedes	Endemic to Little Cayman and Swan Is.	<i>Leptophilus caribeanus</i>	Centipede
Copepods	Grand Cayman unident.	<i>Longipedia americana</i>	none
	Grand Cayman endemic	<i>Tisbe caymanensis</i>	none
Insects		<i>Callida caymanensis</i>	Beetle
		<i>Carpelimus sordidus</i>	Beetle
		<i>Danaus plexippus</i>	Monarch butterfly
		<i>Derancistrus (Elateropsis) caymanensis</i>	Beetle
		<i>Derancistrus (Elateropsis) nigricornis</i>	Beetle
		<i>Derancistrus (Elateropsis) nigripes</i>	Beetle
		<i>Diastolinus caymanensis</i>	Beetle
		<i>Diastolinus dentipes</i>	Beetle
		<i>Diastolinus diformis</i>	Beetle
		<i>Diastolinus inflatitibia</i>	Beetle

		<i>Diastolinus minor</i>	Beetle
		<i>Diceroprocta caymanensis</i>	Little Cayman cicada
		<i>Diceroprocta cleavesi</i>	Grand Cayman cicada
		<i>Diceroprocta ovata</i>	Cayman Brac cicada
		<i>Dyscinetus imitator</i>	Beetle
		<i>Eburia caymanensis</i>	Beetle
Terrestrial Animals cont	Details	Scientific Name	Common Name
		<i>Eburia concisispinis</i>	Beetle
		<i>Eburia lewisi</i>	Beetle
		<i>Elaphidion lewisi</i>	Beetle
		<i>Elaphidion thompsoni</i>	Beetle
		<i>Elaphidion truncatipenne</i>	Beetle
		<i>Leptostylus lewisi</i>	Beetle
		<i>Leptostylus thompsoni</i>	Beetle
		<i>Lutzomyia caymanensis braci</i>	Fly
		<i>Ochrostethus nigriceps</i>	Bug
		<i>Osorius lewisi</i>	Beetle
		<i>Ozophora fuscifemur</i>	Bug
		<i>Ozophora minuscula</i>	Bug
		<i>Ozophora pallidifemur</i>	Bug
		<i>Phaleria caymanensis</i>	Beetle
		<i>Phyllophaga caymanensis</i>	Beetle
		<i>Protosphaerion caymanensis</i>	Beetle
		<i>Psammoleon reductus</i>	Ant Lion
		<i>Stizocera caymanensis</i>	Beetle
		<i>Trientoma kochi</i>	Beetle
		<i>Anopsilana crenata</i>	Isopod
Slugs	Possible endemic	<i>Veronicella laevis</i>	Slug
Snails	Endemic land snails	<i>Alcadia lewisi</i> <i>Brachypodella caymanensis</i>	none

		<i>Cerion martinianum</i> <i>Cerion pannosum</i> <i>Choanopoma caymanense</i> <i>Chondropoma caymanbracense</i>	
Terrestrial Animals <i>cont</i>	Details	Scientific Name	Common Name
Snails <i>cont</i>	Endemic land snails	<i>Chondropoma caymanbracense</i> <i>parvicaymanense</i> <i>Chondropoma caymanense</i> <i>Cyclopilsbrya fonticula</i> <i>Eutrochatella fisheri</i> <i>Geomelania alemon</i> <i>Hemistrochus lewisiana</i> <i>Hemistrochus streator</i> <i>Lacteoluna caymanbracensis</i> <i>Lacteoluna caymanensis</i> <i>Lacteoluna steveni</i> <i>Lacteoluna summa</i> <i>Lacteoluna trochella</i> <i>Lucidella caymanensis</i> <i>Microceramus caymanensis</i> <i>Pineria perpusillus</i> <i>Proserpinula lewisi</i> <i>Spiraxis caymanensis</i> <i>Spiraxis subrectaxis</i> <i>Stoastoma atomus</i> <i>Strobilops wenziana</i> <i>Tudora rosenbergiana</i> <i>Varicella adolescentia</i>	<i>none</i>

Varicella caymanensis

Varicella infantia

Varicella pinchoti

Scientific Name

Allophylus cominia

var. *caymanensis*

Argythamnia proctorii

Avicennia germinans

(= *nitida*)

Beloglottis

costaricensis

Buxus bahamensis

Caesalpinia bonduc

var. *caymanensis*

Catalpa longissima

Cedrela odorata

Celtis trinervia

Chionanthus

caymanensis

caymanensis

Chionanthus

caymanensis

longipetala

Chrysobalanus icaco

Colubrina arborescens

Coccothrinax proctorii

Conocarpus erectus

Cordia laevigata

Cordia sebestena var.

caymanensis

Crossopetalum

caymanense

Daphnopsis americana

Dendropanax arboreus

Drypetes sp.

Encyclia cochleata

Erythrina velutina

Erythroxylum

confusum

Scientific Name
Euphorbia
cassythoides
Evolvulus squamosus
Faramea occidentalis
Guaiacum officinale
Harrisia (gracilis)
caymanensis
Iva imbricata
Jatropha divaricata
Jaquinia (Jacquinia)
keyensis
Laguncularia racemosa
Licaria triandra
Margaritaria nobilis
Myrmecophila
thomsoniana minor
Myrmecophila
thomsoniana
thomsoniana
Oeceoclades maculata
Phyllanthus
caymanensis
Pilostyles globosa var.
caymanensis
Pleurothallis
caymanensis
Rauvolfia nitida
Rhizophora mangle
Ruppia martima
Salicornia species
Scaevola plumieri
Scolosanthus
roulstonii
Sophora tomentosa
Tillandsia festucoides
Scientific Name
Trichilia havanensis

Turnera triglandulosa Zanthoxylum coriaceum Zamia integrifolia Zanthoxylum flavum

Section 3

SCHEDULE 2

Composition of the Council

1. (1) The Council shall consist of the following voting members-
 - (a) the Director or his nominee from the Department of the Environment;
 - (b) the Deputy Director of Research in the Department of the Environment;
 - (c) the Chief Officer of the Ministry;
 - (d) the Director of the Department of Agriculture or his nominee from the Department of Agriculture;
 - (e) the Director of Planning or his nominee from the Department of Planning;
 - (f) a person nominated by the National Trust and appointed by the Cabinet; and
 - (g) seven persons appointed by the Cabinet, at least three of whom shall have relevant scientific or technical expertise.
- (2) In this Schedule, “appointed member” means a person appointed either under sub-paragraph (1)(f) or (g).
2. The Council shall elect a chairperson from among its members.
3. The appointed members shall hold office for a term of two years and shall be eligible for re-appointment.
4. (1) If any appointed member is absent or unable to act, a person may be appointed to act in the place of that member and his appointment shall be made in the same manner as would be required in the case of an original appointment.
 - (2) An acting member appointed under this paragraph has the powers, duties and entitlements of a member.
5. An appointed member may at any time resign his office by letter addressed to the chairman and from the date of receipt by the chairman of such letter, that person shall cease to be a member of the Council.

6. The Cabinet may revoke the membership of an appointed person.
7. If any vacancy occurs in the appointed membership that vacancy shall be filled by the appointment of another member in the same manner as would be required in the case of an original appointment.
8. The Director shall cause the names of all members of the Council as first constituted and every subsequent change to the membership to be published in the Gazette.
9. (1) If a member of the Council has any pecuniary or other interest in any matter to be dealt with by the Council he shall disclose the fact to the chairman and shall not take part in any meeting at which the matter is considered or discussed.
 - (2) A member of the Council who fails to comply with subparagraph (1) commits an offence and is liable-
 - (a) on summary conviction to a fine of twenty thousand dollars and to imprisonment for two years; or
 - (b) on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for five years,unless he proves that he did not know that matter in which he had an interest was the subject of consideration at that meeting.
 - (3) A disclosure under subparagraph (1) shall be recorded in the minutes of the meeting of the Council.
10. The appointed members shall be paid such allowances as the Cabinet may determine.
11. All administrative expenses incurred by the Council in carrying out its functions under this Law and allowances shall be paid out of the general revenue of the Islands.

SCHEDULE 3

Section 10

Management Plan

A management plan shall contain-

1. A description of the natural resources and physical features of the protected area with a particular emphasis on endangered, threatened and endemic species and their habitats.
2. The goals and purposes of the protected area and the problems that must be addressed in order to achieve those goals and purposes, including -
 - (a) threats to the proper ecological functioning of the area;
 - (b) current and future demands for the use of the area and its resources;
 - (c) traditional uses and rights;
 - (d) planned or potential development in the vicinity.
3. A description of the management, administrative, scientific and support needs required to achieve the goals and purposes of the protected area, including -
 - (a) permit and licensing systems;
 - (b) regulation of and restrictions and prohibitions on use;
 - (c) zoning areas;
 - (d) the co-ordination of the work of government departments, agencies and statutory authorities;
 - (e) plans for the surveillance and monitoring of and research into all natural resources;
 - (f) enforcement of the provisions of this Law;
 - (g) budgeting, revenue generation and fundraising;
 - (h) staffing; and
 - (i) involvement of the local community.

Section 2

SCHEDULE 4

Meagre Bay Pond

The pond is located on the 1/25,000 Grand Cayman Map Sheet 2, compiled in 1965 by the Directorate of Overseas Surveys, London, from air photography flown by the Photographic Survey Corporation Ltd., 1958. On the map sheet the Meagre Bay Pond lies within the grid square which has the reference 475000ME and 213300MW. The limits of the pond are defined by a line measured 300 feet inland from the high water mark of the pond, which will follow the western, northern and eastern sides of the pond. The southern limit is defined by the public road which runs from Bodden Town east to the Breakers.

Colliers Bay Pond

The pond is located on the 1/25,000 Grand Cayman Map Sheet 2, compiled in 1965 by the Directorate of Overseas Surveys, London, from air photography flown by the Photographic Survey Corporation Ltd., 1958. On the map sheet it lies within the grid squares 490000ME, 2137000MN and also 490000ME and 2138300MN. The limits of the pond are defined by a line measured 300 feet inland from the high water mark of the pond which will follow the southern, western and northern sides of the pond. The eastern limit is defined by the public road running from Gun Bay Village north to the Tortuga Club.

Booby Pond and Rookery

The pond and marshy area know as the Booby Pond and Rookery in the Little Cayman West Registration Section and falling within Blocks 80A, 81A and 83A, commencing at the north-western corner of Block 80A parcel 18, thence northerly along Spot Bay Road to the south-western corner of Block 80A parcel 16, thence north-easterly and north-westerly along the southern and eastern boundaries of Block 80A parcel 16, respectively.

Thence north-easterly along the southern boundary of Block 80A parcel 15 to the south-eastern corner of Block 80A parcel 15. Thence north-easterly and south-easterly through Block 83A parcel 20, running generally parallel to the northern boundary of the pond, Block 80A parcel 45, to reach Guy Banks Road, approximately 50 feet southeast of the north-western corner of Block 83A parcel 19.

Thence along the western boundary of Guy Banks Road through Block 83A parcels 19, 18, 17, 16, 15, 14, 13, 12 and 11 respectively to reach a point on Guy Banks Road where it intersects the eastern boundary of Block 83A parcel 10.

Thence north-westerly along the eastern boundary of Block 83A parcel 10, and again north-westerly along the southern boundary of Block 83A parcel 13, to intersect at the southern boundary of the pond, Block 80A parcel 45.

Thence along the northern boundary of the Southern Cross Club, Block 83A parcel 10 to reach the north-eastern corner of Block 83A parcel 9.

Thence south-easterly to Guy Banks Road, thence south-westerly along the northern boundary of Guy Banks Road and through Block 83A parcels 9, 8, 141, 140, 6, 5, 4, 3, 2, 41 and 40 and Block 80A parcels 75, 74, 73, 72, 71 and 69, respectively to intersect the eastern boundary of Block 80A parcel 122.

Thence north-westerly along the eastern boundary of Block 80A parcel 122 to intersect with the southern boundary of the pond, Block 80A parcel 45.

Thence south-westerly along the southern boundary of the pond, Block 80A parcel 45, to the north-eastern corner of Block 80A parcel 120. Thence south-easterly along the eastern boundary of Block 80A parcel 120 to its intersection with Guy Banks Road.

Thence south-westerly along the northern boundary of Guy Banks Road along the southern boundary of Block 80A parcel 120 and through Block 80A parcels 65, 64, 63, 104, 103, 102, 61, 60, 59, 58, 55, 51, 50, 49, 105, 107, 106, 46 and Block 81A parcels 32 and 20, respectively.

Thence continuing south-westerly along the southern boundary of Block 81A parcel 40 and north-westerly along the eastern boundary of Block 81A parcel 17 and north-easterly along the southern boundary of Block 80A parcel 44. Thence north-westerly and north-easterly along the eastern boundary of Block 80A parcel 44.

Thence north-easterly and northerly along the eastern boundaries of Block 80A parcels 19 rem and 18 to the north-eastern corner of Block 80A parcel 18. Thence south-westerly along the northern boundary of Block 80A parcel 18 to the starting point at the north-western corner of Block 80A parcel 18.

The said area is shown in thick line on Boundary Plan No. 179 which is deposited at the offices of the Director of Lands and Survey, Grand Cayman and the offices of the District Commissioner, Cayman Brac.

Passed by the Legislative Assembly this day of 2013.

Speaker.

Clerk of the Legislative Assembly.