

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE ENDANGERED SPECIES  
(TRADE AND TRANSPORT) LAW, 2004 TO MAKE THE PROVISIONS  
CONSISTENT WITH THE CONVENTION ON INTERNATIONAL  
TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA  
(CITES); AND FOR INCIDENTAL AND CONNECTED PURPOSES**

**THE ENDANGERED SPECIES (TRADE AND TRANSPORT)  
(AMENDMENT) LAW, 2015**

**MEMORANDUM OF OBJECTS AND REASONS**

This Bill amends the Endangered Species (Trade and Transport) Law, 2004 to make the provisions consistent with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Clause 1 seeks to provide for the short title.

Clause 2 seeks to amend the interpretation section of the principal Law. The legislation provides the definition of “readily recognizable part, derivative or hybrid”. Additionally the definitions of “introduction from the sea”, “personal or household effects”, “specimen” and “tourist souvenir” are amended.

Clause 3 seeks to amend section 6 of the principal Law to provide that a person does not require a permit or certificate for the import, export or re-export of personal or household effects except where the effects are above the limits set for specified specimens. These include specimens of exported rhino horn or elephant ivory in hunting trophies, caviar, rainsticks, crocodile, queen conch, sea horses, giant clam and specimens of agarwood above the limits set in the legislation.

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ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Endangered Species (Trade and Transport (Amendment) Law, 2015. Short title

2. The Endangered Species (Trade and Transport) Law, 2004, Law 14 of 2004, is amended in section 3 as follows - Amendment of section 3  
of the Endangered  
Species (Trade and  
Transport) Law, 2004  
(Law 14 of 2004) -  
interpretation

(a) by deleting the definitions of “introduce from the sea”, “personal or household effect”, “specimen” and “tourist souvenir” and substituting the following definitions -

“ “introduction from the sea” means the transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State;

“personal or household effects” means specimens that are -

(a) personally owned or possessed for non-commercial purposes, not including specimens that are used for -

- (i) commercial gain;
- (ii) sale;
- (iii) display for commercial purposes;
- (iv) keeping for sale;
- (v) offering for sale; or
- (vi) transport for sale;
- (b) legally acquired; and
- (c) at the time of import, export or re-export are either -
  - (i) worn, carried or included in personal baggage;
  - or
  - (ii) part of a household move;

“specimen” means an animal or plant, whether live or dead, of a species listed in any Part in the Schedule and, unless specifically exempted from this Law, any readily recognizable part, derivative or hybrid of such a species; and

“tourist souvenir” means personal or household effects acquired outside the owner’s State of usual residence not including live specimens;” and

- (b) by inserting after the definition of the word “prescribed”, the following definition -

“ “readily recognizable part, derivative or hybrid” means any specimen which appears from any accompanying document, the packaging or a mark or label, or from any other circumstances, to be a part, derivative or hybrid of an animal or plant of a species included in any Part of the Schedule, unless such part, derivative or hybrid is specifically exempted from the Law;”.

Amendment of section 6 of the Endangered Species (Trade and Transport) Law, 2004 (Law 14 of 2004) - permits and certificates required

3. The Endangered Species (Trade and Transport) Law, 2004, Law 14 of 2004, is amended in section 6(2) by repealing paragraph (a) and substituting the following paragraph -

- “(a) a personal or household effect not including -
  - (i) a specimen of a species listed in Column I of Part 1 of the Schedule that was acquired by the owner outside of the country of usual residence and is being imported into that country;
  - (ii) a specimen of a species listed in Column II of Part 1 of the Schedule where the other State involved in the trade has provided notification by way of the CITES Secretariat or the CITES website that a permit or certificate is required;

- (iii) exported and re-exported rhino horn or elephant ivory contained in hunting trophies;
- (iv) caviar of sturgeon species (acipenseriformes species) exceeding 125 grams per person even where the container is labelled in accordance with Resolution of the Conference of the Parties 12.7 or any amendments or revisions thereto;
- (v) rainsticks of Cactaceae species exceeding three specimens per person;
- (vi) crocodilian species exceeding four specimens per person;
- (vii) queen conch (*Strombus gigas*) shells exceeding three specimens per person;
- (viii) seahorses (*Hippocampus* species) exceeding four specimens per person;
- (ix) giant clam (*Tridacnidae* species) shells exceeding three specimens per person, each of which may be one intact shell or two matching halves, and all specimens together weighing no more than 3 kg in total; and
- (x) specimens of agarwood exceeding -
  - (A) 1 kg of woodchips;
  - (B) 24 ml of oil; and
  - (C) two sets of beads, prayer beads, necklaces or bracelets, per person.”.

Passed by the Legislative Assembly the        day of        , 2015.

Speaker.

Clerk of the Legislative Assembly.