

CAYMAN ISLANDS



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**A BILL TO AMEND THE MUSIC AND DANCING (CONTROL) LAW  
(2012 REVISION) TO BROADEN THE EXEMPTIONS FROM THE LAW,  
TO GIVE THE BOARD DISCRETION TO PERMIT MUSIC AND  
DANCING ON SUNDAY WHERE NEW YEAR'S EVE FALLS ON A  
SATURDAY OR SUNDAY; TO PERMIT THE BOARD TO WAIVE FEES  
FOR CERTAIN OCCASIONAL LICENCES; TO PROVIDE FOR THE  
ENFORCEMENT OF THE LAW BY TRADE OFFICERS, THE POLICE  
AND THE DIRECTOR OF THE DEPARTMENT OF COMMERCE AND  
INVESTMENT; AND FOR INCIDENTAL AND CONNECTED MATTERS**

**THE MUSIC AND DANCING (CONTROL) (AMENDMENT) BILL, 2018**

**MEMORANDUM OF OBJECTS AND REASONS**

The Bill seeks to modernize the Music and Dancing (Control) Law. It would exempt from control under the Law public performances of music and dance given at certain venues if given primarily for artistic, cultural or religious purposes and permit music and dancing at the airport or in port areas on Sunday in order to welcome tourists to the Islands. The Bill also gives the Board the power to permit music and dancing on a Sunday where New Year's Eve falls on a Saturday or Sunday and the power to waive the fees for occasional licences granted for an event that is part of a national festival of the Islands. Finally, the Bill gives powers to administer and enforce the Law to trade officers, the Director of the Department of Commerce and Industry and the police.

Clause 1 provides for the short title of the legislation.

Clause 2 amends references in the Law to the Liquor Licensing Law to update the citation of that Law.

Clause 3 amends the definition of "exempted premises" and deletes the definition of "permitted days", moving the substance of these definitions into sections 2A and 3(1) of the Law, respectively. The clause also amends the definition of "permitted hours" and adds definitions for "occasional licence", "temporary licence" and "trade officer".

Clause 4 inserts a new section into the Law which lists the premises which are exempt from the control of music and dancing. The clause expands the existing exemptions to include community centres, theatres, churches, schools, parks and public squares where public performances of music and dance are given primarily for artistic, cultural or religious purposes.

Clause 5 amends section 3 to prohibit music and dancing on Good Friday, Christmas Day and Sunday except where the music or dancing is in a hotel or restaurant, at the airport or in port areas, is played between the hours of 9 a.m. and 11:45 p.m. and is not in excess of prescribed noise levels. The clause also authorizes the Board to permit music and dancing on a Sunday where New Year's Eve falls on a Saturday or Sunday.

Clause 6 amends section 9 in consequence of the deletion of the definition of "permitted days" and the amendment to the definition of "permitted hours" by clause 3.

Clause 7 amends section 11 in consequence of the insertion of new section 11A into the Law by clause 8.

Clause 8 inserts new sections 11A and 11B into the Law providing for the enforcement of the Law by trade officers, the Commissioner of Police and the Director of the Department of Commerce and Investment. The clause gives these officers, the Commissioner and the Director the same powers, privileges and immunities as they have under the Liquor Licensing Law (2016 Revision).

Clause 8 also adds new section 11C to the Law, which makes it an offence to obstruct a trade officer, the Commissioner or the Director.

Clause 9 amends section 12 to permit the Board to waive fees for an occasional licence for music or dancing that takes place as part of a national festival of the Islands.

Clause 10 amends section 14 to give the regulation-making power to Cabinet (rather than the Governor in Cabinet), in line with the 2009 Constitution. The clause also gives Cabinet the power to prescribe noise levels and methods and machines for measuring noise.

**THE MUSIC AND DANCING (CONTROL) (AMENDMENT) BILL, 2018**

**ARRANGEMENT OF CLAUSES**

1. Short title
2. General amendment of the Music and Dancing (Control) Law (2012 Revision)
3. Amendment of section 2 - definitions
4. Insertion of section 2A - application
5. Amendment of section 3 - certain premises require to be licensed for music and dancing
6. Amendment of section 9 - extensions of permitted hours
7. Amendment of section 11 - licensed premises to be open for inspection
8. Insertion of section 11A - duties and powers of trade officers; section 11B - powers and duties of the Commissioner and Director; and 11C - obstruction of a trade officer, the Director or the Commissioner
9. Amendment of section 12- fees Schedule
10. Amendment of section 14 - Regulations

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ADMINISTRATION AND ENFORCEMENT OF THE LAW BY TRADE  
OFFICERS, THE POLICE AND THE DIRECTOR OF THE  
DEPARTMENT OF COMMERCE AND INVESTMENT; AND FOR  
INCIDENTAL AND CONNECTED MATTERS**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Music and Dancing (Control) (Amendment) Law, 2018. Short title
  
2. The Music and Dancing (Control) Law (2012 Revision), in this Law referred to as “the principal Law”, is amended - General amendment of  
the Music and Dancing  
(Control) Law (2012  
Revision)
  - (a) by substituting for the words “(2000)” the words “(2016 Revision)”; and
  - (b) by substituting for the words “(2000 Revision)” wherever they appear the words “(2016 Revision)”.
  
3. Section 2 of the principal Law is amended - Amendment of section 2  
- definitions
  - (a) by deleting the definition of “exempted premises” and substituting the following definition -

“exempted premises” means premises to which the Law does not apply by virtue of section 2A”;

- (b) by inserting the appropriate alphabetical sequence the following definitions -

“occasional licence” means a licence of a category established by section 4(b);

“temporary licence” means a licence of a category established by section 4(c); and

“trade officer” means a public officer in the Department of Commerce and Investment appointed as such and assigned by the Chief Officer, or the Chief Officer’s designate, to perform the duties of trade officer under this Law.”;

- (c) by deleting the definition of “permitted days”; and  
(d) in the definition of “permitted hours” -  
(i) by deleting the words “of permitted days”;  
(ii) by inserting after the word “public” the words “and includes the hours covered by permission given under section 3(3) or an extension of permitted hours under section 9(2); and  
(iii) by deleting the word “and” following the semi-colon at the end of the definition”.

Insertion of section 2A - application

4. The principal Law is amended by inserting after section 2 the following section -

“Application 2A. This Law does not apply to the following premises -

Law 9 of 2015

- (a) premises licensed for public film exhibition under the Film Exhibition Control Law, 2015;  
(b) areas in hotels with respect to which no charge is made for admission; and  
(c) town halls, community centres, theatres, churches, schools, parks, public squares and other venues where members of the general public gather for performances of music, dance or drama presented primarily for artistic, cultural or religious purposes, rather than for profit.”.

Amendment of section 3 - certain premises require to be licensed for music and dancing

5. The principal Law is amended in section 3 -

- (a) in subsection (1), by deleting all the words after the word “music” and substituting a dash and the following words -  
“(a) on premises that are not licensed in that behalf;

- (b) during hours that are not permitted hours; or
- (c) on Good Friday, Christmas Day or Sunday.”;
- (b) in subsection (2) -
  - (i) by deleting the words “subsection (1)(b) music may be played” and substituting the words “subsection (1)(c), music may be played or dancing permitted”;
  - (ii) by inserting after the word “Day” the words “at the airport or “port areas”, as defined in the Port Authority Law (1999 Revision), in order to welcome arriving passengers, or”;
  - (iii) by deleting paragraph (a) and substituting the following paragraph -
    - “(a) the music is not played in excess of the prescribed noise levels; and”;
  - (iv) by deleting the words “; and” at the end of paragraph (b) and substituting a full stop; and
  - (v) by deleting paragraph (c); and
- (c) by inserting after subsection (2) the following subsection -
  - “(3) Notwithstanding subsection (1)(c), a Board may, where satisfied that it is in the public interest to do so, permit dancing or the playing of music in licensed premises on a Sunday where New Year’s Eve falls on a Saturday or a Sunday, during such hours and subject to such conditions as the Board may in each particular case determine, and the hours covered by such permission are deemed to be permitted hours for the purposes of this Law”.

6. The principal Law is amended in section 9 -

Amendment of section 9  
- extensions of permitted hours

- (a) in subsection (1) by deleting the words “of permitted days”; and
- (b) by deleting subsection (3) and substituting the following subsection -
  - “(3) The hours covered by an extension given under subsection (2) are deemed to be permitted hours for the purposes of this Law.”.

7. The principal Law is amended in section 11 by deleting the word “constables” and substituting the words “trade officers”.

Amendment of section 11 - licensed premises to be open for inspection

Insertion of section 11A - duties and powers of trade officers; section 11B - powers and duties of the Commissioner and Director; and 11C - obstruction of a trade officer, the Director or the Commissioner

8. The principal Law is amended by inserting after section 11 the following section -

“Duties and powers of trade officers

11A. (1) Trade officers have the duty to enforce this Law and to assist the Board and have the authority to carry out such instructions as may be given by the Board or the Director of the Department of Commerce and Investment or the Director’s delegate, in accordance with this Law.

(2) A trade officer has all powers, privileges, rights and immunities of a constable when carrying out the trade officer’s duties under this Law, including the powers to enter and search premises set out in section 33 of the Liquor Licensing Law (2016 Revision).

(2016 Revision)

Powers and duties of the Commissioner and Director

11B. The Director of the Department of Commerce and Investment and the Commissioner of Police (and every person acting under the Commissioner’s authority) shall assist the Board in administering this Law and shall have all powers, privileges, rights and immunities in respect of licensed premises under this Law as they have in respect of licensed premises under the Liquor Licensing Law (2016 Revision), including the powers set out in section 33 of that Law to enter and search premises.

(2016 Revision)

Obstruction of a trade officer, the Director or the Commissioner

11C. A person who obstructs a trade officer, the Director of the Department of Commerce and Investment or the Commissioner of Police (or a person acting under the Commissioner’s authority) in the execution of their duties or exercise of their powers under this Law commits an offence and is liable on summary conviction to a fine of one thousand dollars or to imprisonment for one year or to both.”.

Amendment of section 12 - fees Schedule

9. The principal Law is amended in section 12 by inserting after subsection (3) the following subsection -

“(4) A Board may, where satisfied that it is in the public interest to do so, waive in whole or in part the fees required to be paid for an occasional licence permitting music or dancing at an event that is part of a national festival of the Islands.”.



10. The principal Law is amended in section 14 -

Amendment of section  
14 - Regulations

- (a) by deleting the words “Governor in”; and
- (b) by inserting after the word “Law” the words “, including prescribing, for the purposes of section 3(2)(a), noise levels measured in decibels, methods of measurement of noise and machines for measuring the level of noise.”.

Passed by the Legislative Assembly the      day of                      , 2018.

Speaker.

Clerk of the Legislative Assembly.