

CAYMAN ISLANDS



Supplement No. 2 published with Extraordinary
Gazette No. 62 dated 11th August, 2016.

**THE NATIONAL CONSERVATION LAW, 2013
(LAW 24 OF 2013)**

THE NATIONAL CONSERVATION (GENERAL) REGULATIONS, 2016

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CAYMAN ISLANDS

**THE NATIONAL CONSERVATION LAW, 2013
(LAW 24 OF 2013)**

THE NATIONAL CONSERVATION (GENERAL) REGULATIONS, 2016

In accordance with the powers conferred by sections 33(2) and 50 of the National Conservation Law, 2013, the Cabinet makes the following Regulations -

PART 1 - PRELIMINARY

1. These Regulations may be cited as the National Conservation (General) Regulations, 2016 and shall come into force immediately after the commencement of section 51 of the National Conservation Law, 2013.

Citation and commencement

2. (1) In these Regulations -

Definitions

“conch” means the species of *Strombus gigas* which is also known by the following common names -

- (a) queen conch;
- (b) broadleaf conch;
- (c) pink conch; and
- (d) samba conch;

“Council” means the National Conservation Council established under section 3 of the National Conservation Law, 2013; and

“take”, in relation to the taking of marine life from Cayman waters or of animals in the Islands, means to collect, hunt, kill, destroy, damage, injure, disturb, harass, harm, wound, capture, molest or impede a live specimen of such marine life or animal in any way or to attempt to do so, and includes incidental taking.

PART 2 - CONSERVATION OF MARINE SPECIES

3. (1) Subject to paragraphs (3) and (4), a person who, in any one day, takes or permits any other person to take, from Cayman waters, more than three spiny lobsters (*Panulirus argus*) or, in any one day -

Restriction on taking, purchasing etc. of spiny lobsters

- (a) has in his possession or control;
- (b) exposes or offers for sale, exchange or donation; or
- (c) purchases,

more than three such lobsters which are taken from Cayman waters, commits an offence.

(2) Subject to paragraphs (3) and (4), a person who, in any one day, permits or causes to be caught from or loaded onto any one vessel in Cayman waters more than -

- (a) three spiny lobsters (*Panulirus argus*) for each person on board such vessel; or
- (b) six such lobsters (*Panulirus argus*),

whichever is the lesser number, commits an offence.

(3) A person who, at any time during the months of March to November inclusive, takes or permits any other person to take from Cayman waters, a spiny lobster (*Panulirus argus*) or, in such months -

- (a) has in his possession or control;
- (b) exposes or offers for sale, exchange or donation; or
- (c) purchases,

any spiny lobster (*Panulirus argus*) which has been taken from Cayman waters, commits an offence.

(4) A person who takes or permits any other person to take, from Cayman waters, any spiny lobster (*Panulirus argus*) which is below six inches tail length or -

- (a) has in his possession or control;
- (b) exposes or offers for sale, exchange or donation; or
- (c) purchases,

any such spiny lobster (*Panulirus argus*) taken from Cayman waters commits an offence.

Restriction on taking,
purchasing etc. of conch

4. (1) Subject to paragraph (3), a person who, in any one day, takes or permits any other person to take from Cayman waters, more than five conch or, in any one day -

- (a) has in his possession or control;
- (b) exposes or offers for sale, exchange or donation; or
- (c) purchases,

more than five conch taken from Cayman waters commits an offence.

(2) Subject to paragraph (3), a person who permits or causes to be caught from or loaded onto any one vessel in Cayman waters in any one day more than -

- (a) five conch for each person on board such vessel; or
- (b) ten such conch,

whichever is the lesser number, commits an offence.

(3) A person who, at any time during the months of May to October inclusive, takes or permits any other person to take, from Cayman waters, any conch or, in such months -

- (a) has in his possession or control;
- (b) exposes or offers for sale, exchange or donation; or
- (c) purchases,

any conch taken from Cayman waters commits an offence.

5. (1) Subject to paragraph (3), a person who, in any one day, takes or permits any other person to take from Cayman waters, more than two and one-half gallons of whelks (*Cittarium pica*) in the shell or more than two and one-half pounds of whelks (*Cittarium pica*) which are processed and which had been taken from Cayman waters or, in any one day -

Restriction on taking,
purchasing etc. of
whelks

- (a) has in his possession or control;
- (b) exposes or offers for sale, exchange or donation; or
- (c) purchases-
 - (i) more than two and one-half gallons of whelks (*Cittarium pica*) in the shell taken from Cayman waters; or
 - (ii) more than two and one-half pounds of whelks (*Cittarium pica*) which are processed and which had been taken from Cayman waters,

commits an offence.

(2) Subject to paragraph (3), a person who, in any one day, causes or permits to be loaded onto any vessel in Cayman waters more than -

- (a) two and one-half gallons of whelks in the shell (*Cittarium pica*) which were taken from Cayman waters; or
- (b) two and one-half pounds of whelks (*Cittarium pica*) which are processed,

commits an offence.

(3) A person who, at any time during the months of May to October inclusive, takes or permits any other person to take from Cayman waters, any whelks (*Cittarium pica*) or, in such months -

- (a) has in his possession or control;
- (b) exposes or offers for sale, exchange or donation; or
- (c) purchases,

any whelks (*Cittarium pica*) which were taken from Cayman waters commits an offence.

Restriction on taking, purchasing etc. of Nassau groupers

6. (1) Subject to paragraphs (3) and (4), a person who -

- (a) takes or permits any other person to take;
- (b) has in his possession or control;
- (c) exposes or offers for sale, exchange or donation; or
- (d) purchases,

any Nassau grouper (*Epinephelus striatus*) which is less than sixteen inches or more than twenty four inches in length commits an offence.

(2) A person who at any time -

- (a) takes or permits any other person to take;
- (b) has in his possession or control;
- (c) exposes or offers for sale, exchange or donation; or
- (d) purchases,

any Nassau grouper (*Epinephelus striatus*) of any size which has been taken by means of a spear gun commits an offence.

(3) A person who, at any time during the months of December to April inclusive, takes or permits any other person to take a Nassau grouper (*Epinephelus striatus*) from Cayman waters or in those months -

- (a) has in his possession or control;
- (b) exposes or offers for sale, exchange or donation; or
- (c) purchases,

a Nassau grouper (*Epinephelus striatus*) taken from Cayman waters commits an offence.

(4) A person who takes or permits another person to take from Cayman waters more than five Nassau groupers (*Epinephelus striatus*), or who loads more than five Nassau groupers (*Epinephelus striatus*) onto a vessel in Cayman waters, in any one day, commits an offence.

7. A person who takes or permits any other person to take from Cayman waters -
- Restriction on taking, purchasing, etc. of certain marine life
- (a) algae (*Chlorophyta*, *Phaeophyta* or *Rhodophyta*);
 - (b) more than forty soldier crabs or hermit crabs (*Coenobita clypeatus*) in one day; or
 - (c) any bony fish (*Teleostei*) of less than eight inches in length other than the following -
 - (i) goggle eye fish (*Selar crumenophthalmus*);
 - (ii) sprats (*Clupeidae* or *Engraulidae*); or
 - (iii) fries or silversides (*Atherinidae*),

or, has in his possession or control, exposes or offers for sale, exchange or donation, or purchases any marine life specified in subparagraphs (a) and (c), or more than forty soldier or hermit crabs (*Coenobita clypeatus*) in one day, commits an offence.

8. A person who is licensed under the National Conservation Directives, 2016 to take Green turtles (*Chelonia mydas*) and Loggerhead turtles (*Caretta caretta*) may only take such turtles in the amounts and of the sizes permitted under the licence during the months of December to March inclusive.
- Restriction on taking turtles

PART 3 – CONSERVATION OF TERRESTRIAL SPECIES

9. (1) A person who, at any time during the months of May to August inclusive -
- Restriction on taking, purchasing etc. of blue winged teal and white winged doves
- (a) takes or permits any other person to take;
 - (b) has in his possession or control;
 - (c) exposes or offers for sale, exchange or donation; or
 - (d) purchases,

a blue-winged teal (*Anas discors*) commits an offence.

- (2) A person who, at any time during the months of April to September inclusive -
- (a) takes or permits any other person to take;
 - (b) has in his possession or control;
 - (c) exposes or offers for sale, exchange or donation; or
 - (d) purchases,

a white-winged dove (*Zenaida asiatica*) commits an offence.

- (3) A person who, in any one day, at any time during the months of September to April inclusive -

- (a) takes or permits any other person to take;
- (b) has in his possession or control;
- (c) exposes or offers for sale, exchange or donation; or
- (d) purchases,

more than three blue winged-teal (*Anas discors*) commits an offence.

(4) A person who, at any time during the months of October to March inclusive -

- (a) takes or permits any other person to take;
- (b) has in his possession or control;
- (c) exposes or offers for sale, exchange or donation; or
- (d) purchases,

more than twelve white-winged doves (*Zenaida asiatica*) commits an offence.

PART 4 - GENERAL

Exemption from these Regulations

10. The Council may grant a person, in accordance with the National Conservation Law 2013, a permit or licence under which the person shall be exempt from these Regulations or any provision under these Regulations.

Amendments

11. The minor and consequential amendments set out in the Schedule have effect.

Repeals

12. The following are repealed -

- (a) the Marine Conservation (Grouper Spawning Areas) Notice, 2011;
- (b) the Marine Conservation (Turtle Protection) Regulations (2008 Revision);
- (c) the definition of “tourist boat” in regulation 2, regulation 7(5) and Part III of the Marine Conservation (Marine Parks) Regulations (2007 Revision); and
- (d) regulations 3, 4, 5, 6, 7, the First, Second, Third, Fourth and Fifth Schedules of the Marine Conservation Regulations (2004 Revision).

(2008 Revision)

(2007 Revision)

(2004 Revision)

SCHEDULE

(Regulation 11)

AMENDMENTS

The Marine Conservation (Fishing Licences) Regulations, 2003

1. The Marine Conservation (Fishing Licences) Regulations, 2003 are amended in the Schedule by deleting the words “Marine Conservation Board” wherever they appear in Forms C and D and by substituting the words “National Conservation Council”.

The Restricted Marine Areas (Designation) Regulations (2003 Revision)

2. The Restricted Marine (Designation) Regulations (2003 Revision) are amended in regulation 5 by deleting the word “Board” wherever it appears and substituting the word “Council”.

The Marine Conservation Regulations (2004 Revision)

3. The Marine Conservation Regulations (2004 Revision) are amended in regulation 9 as follows –

- (a) in paragraph (1) by deleting the word “commercial” and substituting the word “tourist”; and
- (b) in paragraph (2) by deleting the definition of the words “commercial vessel” and substituting the following definition -
“ “tourist vessel” means a vessel used to carry paying passengers for sightseeing, wildlife interaction or other tourist activities.”.

The Marine Conservation (Marine Parks) Regulations (2007 Revision)

4. The Marine Conservation (Marine Parks) Regulations (2007 Revision) are amended as follows -

- (a) in regulation 5(4) by -
 - (i) deleting the word “Board” wherever it appears and substituting the word “Council”; and
 - (ii) deleting the word “commercial” wherever it appears and substituting the word “tourist”; and
- (b) in regulations 7(2)(e) and 8(2) and (3) by deleting the word “Board” wherever it appears and substituting the word “Council”.

The Marine Conservation (Turtle Protection) Regulations (2008 Revision)

5. The Marine Conservation (Turtle Protection) Regulations (2008 Revision) are amended in regulations –

- (a) 3(b);
- (b) 5;
- (c) 6; and
- (d) 7,

by deleting the word “Board” wherever it appears and substituting the word “Council”.

Made in Cabinet the 9th day of August, 2016.

Kim Bullings

Clerk of the Cabinet.