

CAYMAN ISLANDS



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**THE MARINE CONSERVATION LAW  
(2003 REVISION)**

**THE MARINE CONSERVATION (MARINE PARKS) (AMENDMENT)  
REGULATIONS, 2007**

**THE MARINE PARKS (MARINE CONSERVATION) (AMENDMENT)  
REGULATIONS, 2007**

**A ARRANGEMENT OF REGULATIONS**

1. Citation.
2. Amendment of the Marine Conservation (Marine Parks) Regulations (1996 Revision) to divide the Regulations into Parts.
3. Amendment of regulation 2 – definitions.
4. Repeal and substitution of regulation 3 –categories of marine parks.
5. Insertion of regulations 6A and 6B - Sandbar Wildlife Interaction Zone; Stingray City Wildlife Interaction Zone; Prohibited Scuba Diving Zones.
6. Amendment of regulation 8 – designation of zones.
7. Repeal of regulation 9 and insertion of Parts III and IV – tourist boat licences; miscellaneous.
8. Insertion of Schedules - Wildlife Interaction Zones; Prohibited Scuba Diving Zone.

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**THE MARINE CONSERVATION LAW  
(2003 REVISION)**

**THE MARINE CONSERVATION (MARINE PARKS) (AMENDMENT)  
REGULATIONS, 2007**

The Governor, in exercise of the powers conferred by section 29 of the Marine Conservation Law (2003 Revision), makes the following regulations -

1. These Regulations may be cited as the Marine Conservation (Marine Parks) (Amendment) Regulations, 2007. Citation
2. The Marine Conservation (Marine Parks) Regulations (1996 Revision), in these regulations referred to as the “principal Regulations”, are amended –
  - (a) by inserting before regulation 1 the heading “PART I – PRELIMINARY”; and
  - (b) by inserting after regulation 2 the heading “PART II – MARINE PARKS”.Amendment of the Marine Conservation (Marine Parks) Regulations (1996 Revision) to divide the Regulations into Parts
3. The principal Regulations are amended in regulation 2 by inserting in appropriate alphabetical order the following definitions - Amendment of regulation 2 - definitions

“boat” means a marine vessel of any size or design;

“licence” means a licence under Part III;

“prohibited scuba diving zone” means the areas described in the Fifth Schedule and designated as prohibited scuba diving zones under regulation 8(5); Fifth Schedule

“tourist boat” means a boat used to carry paying passengers for sightseeing, wildlife interaction or other tourist activities; and

“wildlife interaction” means -

  - (a) touching or feeding of marine life; or
  - (b) attempting to touch or feed marine life;”.

Repeal and substitution  
of regulation 3 –  
categories of marine  
parks

4. The principal Regulations are amended by repealing regulation 3 and substituting the following regulation –

“Categories  
of marine  
parks

3. For the purposes of determining restrictions of user, a marine park may be designated as –

- (a) a replenishment zone;
- (b) a marine park zone;
- (c) an environmental zone; or
- (d) a wildlife interaction zone.”.

Insertion of regulations  
6A and 6B - Sandbar  
Wildlife Interaction  
Zone; Stingray City  
Wildlife Interaction  
Zone; Prohibited Scuba  
Diving Zones

5. The principal Regulations are amended by inserting after regulation 6 the following regulations –

“Sandbar  
Wildlife  
Interaction  
Zone and  
Stingray City  
Wildlife  
Interaction  
Zone  
Fourth  
Schedule

6A. (1) This regulation applies in respect of both the Sandbar Wildlife Interaction Zone and the Stingray City Wildlife Interaction Zone described in the Fourth Schedule.

(2) No person shall, within the zone –

- (a) wear footwear (except while aboard a boat);
- (b) remove any stingray or other marine life from the water;
- (c) sell fish food from a boat;
- (d) fish or take any form of marine life by any means; or
- (e) feed any stingray or other marine life with food of a kind other than a kind approved by the Board.

(3) Paragraph (2)(a) does not prohibit wearing of flippers while snorkelling in water deeper than four feet.

(4) No person shall anchor a boat within the zone –

- (a) in water shallower than three feet deep; or
- (b) so that any part of the anchor is within twenty feet of any reef structure.

(5) No person shall cause a tourist boat to enter the zone -

- (a) if no licence is in force under Part III in respect of the boat; or
- (b) at a time, or in circumstances, where such entry is prohibited by the conditions of such a licence.

Prohibited  
scuba diving  
zones

6B. (1) Any area within a wildlife interaction zone may be designated as a prohibited scuba diving zone.

(2) No person shall scuba dive within a prohibited scuba diving zone unless the scuba diving is carried out in accordance with permission granted by the Board under subregulation (3).

(3) The Board may, upon receipt of an application made pursuant to subregulation (2), grant the relevant permission for scuba diving; and the permission may be granted subject to such conditions (if any) as the Board considers fit.”.

6. The principal Regulations are amended in regulation 8 by repealing paragraph (4) and substituting the following paragraphs –

Amendment of  
regulation 8 –  
designation of zones

“ (4) The areas described in the Fourth Schedule are designated as wildlife interaction zones.

(5) The areas described in the Fifth Schedule are designated as prohibited scuba diving zones.

(6) The above areas are shown on the plans in the Sixth Schedule for illustrative purposes only, and in the event of any discrepancy between the plans and the written descriptions contained in the First, Second, Third, Fourth or Fifth Schedule, as the case may be, the description in the relevant Schedule shall prevail.”.

7. The principal Regulations are amended by repealing regulation 9 and substituting the following Parts –

Repeal of regulation 9  
and insertion of Parts III  
and IV – tourist boat  
licences; miscellaneous

#### “PART III – TOURIST BOAT LICENCES

Tourist boats to  
be licensed

9. The owner of a boat shall not permit the boat to be used as a tourist boat for the carriage of passengers to or from a wildlife interaction zone unless a licence is in force under this Part in respect of the boat.

Application for,  
and grant of,  
licence

10. (1) A person who has attained the age of eighteen years, or a company or other body corporate, may apply to the Board for a licence under this Part in respect of a boat owned by the person or body, as the case may be.

(2) Application shall be made by completing a form made available by the Board and shall be accompanied -

- (a) in the case of a vessel under 50 feet in length, by a non-refundable application processing fee of one hundred dollars; and
- (b) in the case of a vessel 50 feet or more in length, by a non-refundable application processing fee of two hundred dollars.

(3) The application form for a company or other body corporate shall be completed by the managing director or the secretary or another officer of the body concerned.

(4) On being satisfied that an application under this regulation has been properly made and that the application processing fee has been tendered, the Board may, within thirty days of receipt of the application, grant or decline to grant the licence.

(5) The following fee is payable in respect of the grant of a licence -

- (a) in the case of a vessel under 50 feet in length, a fee of three hundred dollars; and
- (b) in the case of a vessel 50 feet or more in length, a fee of six hundred dollars.

Minimum  
specifications for  
licensed boat

11. (1) The Board may decline to grant a licence in respect of a boat that does not meet its minimum requirements as to design features.

(2) Requirements for the purposes of this regulation shall be published by the Board and made available on request to any prospective applicant for a licence.

Term of licence

12. (1) A licence under this Part shall, subject to these Regulations, remain in force for a period of three years from the date of its grant.

(2) The licence may be renewed on application made within a period of thirty days prior to its expiry, and the application shall be accompanied -

- (a) in the case of a vessel under 50 feet in length,

by a non-refundable application processing fee of fifty dollars; and

- (b) in the case of a vessel 50 feet or more in length, by a non-refundable application processing fee of one hundred dollars.

(3) The provisions of regulations 10 and 11 shall apply, with the necessary changes being made, to an application for renewal of a licence.

(4) The following fee is payable in respect of the renewal of a licence –

- (a) in the case of a vessel under 50 feet in length, a fee of three hundred dollars; and
- (b) in the case of a vessel 50 feet or more in length, a fee of six hundred dollars.

Conditions of  
licence

13. (1) A licence under this Part shall be subject to such conditions as may be specified in the licence on grant or renewal or as may be notified to the licensee in writing by the Board at any time during its term.

(2) A notification given under paragraph (1) during the term of the licence may impose new conditions or may revoke or vary existing conditions, or both, but no such notification shall require any modifications to be made to the boat.

(3) Without limiting the generality of paragraph (1), conditions imposed under that paragraph may include conditions -

- (a) prohibiting or restricting the use of the boat for tourist activities in specified wildlife interaction zones or parts thereof at specified times (or at times other than specified times) or in specified circumstances;
- (b) regulating the number of passengers that may be carried generally, or that may be carried to any specified area or place;
- (c) regulating the mooring, anchoring or deployment of the boat, and the operation of any of its features, in marine parks or other places; or
- (d) requiring the boat to be marked upon the hull

or otherwise to display readily visible evidence of the fact that it is licensed under this Part.

Licence to be carried and produced

14. Unless it is fixed in a durable manner to and prominently displayed on the boat, a licence under this Part shall be carried by the operator of the boat at all times while it is being used for purposes authorised by the licence and shall be produced for inspection by a fisheries officer upon demand.

Inspection by officers

15. (1) A fisheries officer may at any time board a boat that he reasonably suspects is being used for purposes that require a licence under this Part and may thereupon –

- (a) demand production of the licence; and
- (b) carry out such inspection as seems necessary to him in order to ascertain whether the provisions of the Law and these Regulations, and the conditions of the licence, are being complied with.

(2) The operator of the boat shall comply with any reasonable request for the facilitation of the exercise by a fisheries officer of his powers under this regulation.

Cancellation or suspension of licence

16. The Board may decline to renew a licence under this Part, or may by notice in writing served on a licensee cancel or suspend such a licence at any time during its term, if –

- (a) the conditions of the licence have not been complied with; or
- (b) the licensee has contravened any provision of the Law or these Regulations.

Appeals

17. Any person aggrieved by a decision of the Board –

- (a) not to grant, or not to renew, a licence under this Part;
- (b) to cancel or suspend such a licence; or
- (c) to impose a condition on such a licence, or to revoke or vary the conditions of such a licence,

may, within thirty days after being informed of the Board's decision, appeal to the Governor, who may affirm, quash or vary the decision of the Board.

PART IV – MISCELLANEOUS

Wildlife  
interaction

18. (1) No person shall carry passengers to any area of territorial waters in order to invite, encourage or facilitate wildlife interaction between those passengers and any marine life unless the area is designated under these regulations as a wildlife interaction zone.

(2) No person swimming, diving, scuba diving, snorkelling or carrying on any similar water activity within an area of Cayman waters other than a wildlife interaction zone, shall invite, encourage or facilitate wildlife interaction with any marine life unless the interaction is carried out in accordance with permission granted by the Board under subregulation (3).

(3) The Board may, upon receipt of an application made pursuant to subregulation (2), grant the relevant permission for wildlife interaction; and the permission may be granted subject to such conditions (if any) as the Board considers fit.

Liability for  
offences

19. (1) The operator of a tourist boat shall take all reasonable steps to ensure compliance with –

- (a) the conditions of any licence in force under Part III in respect of the boat, while it is being used for purposes authorised by the licence; and
- (b) the provisions of the Law and these Regulations, in so far as they pertain to the boat or the conduct of passengers aboard or boarding or debarking therefrom.

(2) Nothing in this regulation limits or affects the liability of any other person in respect of a contravention of these Regulations.”

Insertion of Schedules -  
Wildlife Interaction  
Zones; Prohibited Scuba  
Diving Zone

8. The principal Regulations are amended -
- (a) by re-numbering the Fourth Schedule as the Sixth Schedule;
  - (b) by inserting the following Schedules after the Third Schedule -

#### **“FOURTH SCHEDULE**

##### **Wildlife Interaction Zones**

###### **Sandbar Wildlife Interaction Zone**

The area in North Sound situate at a point starting on the reef at 19°22'53.28"N 81°19'06.02"W at the 20 ft. depth contour and thence due south for approximately 6,352 feet to reach a point 19°21'50.28"N 81°19'05.89"W and thence due east for approximately 11,231 feet to reach a point 19°21'50.46"N 81°17'09.7"W and thence due north for approximately 5,278 feet to reach a point on the reef 19°22'42.5"N 81°17'08.79"W and thence in a generally northwesterly direction along the 20 ft depth contour for a distance of approximately 11,273 feet to reach the starting point. All coordinate values are given in geographic lat/long. WGS84 datum.

###### **Stingray City Wildlife Interaction Zone**

The area in North Sound situate at a point starting on the reef at 19°23'18.43"N 81°20'45"W at the 20 ft. depth contour and thence in a southwesterly direction for approximately 1,780 feet to reach a point 19°23'06.34"N 81°20'58.58"W and thence in a southeasterly direction for approximately 2,253 feet to reach a point 19°22'50.2"N 81°20'42.26"W and thence in a northeasterly direction for approximately 1,909 feet to reach a point on the reef 19°23'03.89"N 81°20'28.69"W and thence in a generally northwesterly direction along the 20 ft depth contour for a distance of approximately 2,140 feet to reach the starting point. All coordinate values are given in geographic lat/long. WGS84 datum.

#### **FIFTH SCHEDULE**

##### **Prohibited Scuba Diving Zone**

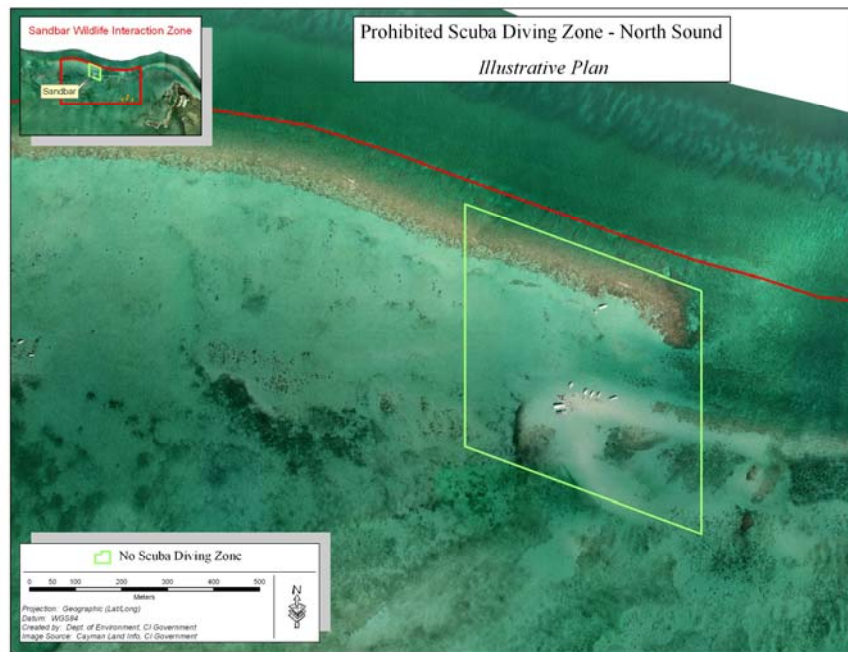
The area in North Sound situate at a point outside of the reef crest at 19°22'47.08"N 81°18'24.44"W and thence due south for approximately 1,725 feet to reach a point 19°22'29.98"N 81°18'24.44"W and thence in a southeasterly direction for approximately 1,705 feet to reach a point 19°22'23.85"N 81°18'07.8"W and thence due north for approximately 1,725 feet to reach a point 19°22'40.97"N 81°18'07.8"W at the intersection of the outside of the reef crest

and the western edge of Rum Point Channel and thence in a northwesterly direction for a distance of approximately 1,705 feet to reach the starting point. All coordinate values are given in geographic lat/long. WGS84 datum.”;

and

- (c) by inserting the following plans in the Sixth Schedule as re-numbered -





Made in Cabinet the 13<sup>th</sup> day of March, 2007.

Carmena H. Watler

Clerk of the Cabinet.