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MARINE CONSERVATION LAW
(2007 Revision)

Law 19 of 1978 consolidated with Laws 5 of 1985, 5 of 1993, 45 of 2001, 29 of 2002, 31 of 2002 and 37 of 2006, and with the Interpretation Order, 1983.

Revised under authority of the Law Revision Law (1999 Revision).

Originally enacted-

Law 19 of 1978-8th September, 1978
Law 5 of 1985-25th March, 1985
Law 5 of 1993-21st July, 1993
Law 45 of 2001-11th January, 2002 (sic)
Law 29 of 2002-5th December, 2002
Law 31 of 2002-19th December, 2002
Law 37 of 2006-21st December, 2006.

Originally made-

Interpretation Order, 1983-10th May, 1983.

Consolidated and revised this 19th day of June, 2007.

Note (not forming part of the Law): This revision replaces the 2003 Revision which should now be discarded.

MARINE CONSERVATION LAW
(2007 Revision)

ARRANGEMENT OF SECTIONS

PART I - Introductory

1. Short title
2. Definitions

PART II - Administrative

3. Marine Conservation Board
4. Functions of the Board
5. Fisheries officers

PART III - Protection of Certain Species

6. Closed seasons and bans-lobsters, conch and Nassau groupers
7. Restriction on taking and receiving conch
8. Restriction on taking and receiving whelks
9. Restriction on taking and receiving Nassau groupers

PART IV - Restricted Marine Areas and Marine Parks

10. Restricted marine areas
11. Marine Parks
12. Spawning areas

PART V - Restriction of Fishing Methods

13. Use of noxious substances prohibited
14. Fishing by divers prohibited
15. Use of spear guns prohibited
16. Use of seine or gill nets prohibited
17. Restriction on the use of fish pots
18. Restriction on taking certain marine life
19. Licence to fish

PART VI - General

20. Restriction on certain exports
21. Prohibition on feeding sharks

22. Control of effluents
23. Protection of submerged features
24. Prohibition relating to divers
25. Constable's power of arrest
26. Forfeiture
27. Application
28. Appeals against decisions of the Board
29. Regulations
30. Offences and penalties

MARINE CONSERVATION LAW

(2007 Revision)

PART I-Introductory

1. This Law may be cited as the Marine Conservation Law (2007 Revision). Short title
2. In this Law- Definitions
 - “bleeding teeth” means the local term used to describe the marine gastropod molluscs of the family *Neritae*;
 - “Board” means the Marine Conservation Board established by section 3;
 - “Cayman waters” means the territorial waters of the Islands and includes the inland waters thereof;
 - “Chairman” means the Chairman of the Board and any person acting under his direction as such;
 - “chiton” means the common term used to describe the marine molluscs of the Class *Polyplacophora*;
 - “coral” includes all species of marine coral known as such whether alive or dead;
 - “day” means a period of twenty-four hours terminating at midnight;
 - “echinoderms” means any member of the phylum Echinodermata of coelomate, radially symmetric animals which include starfishes, sea urchins, sea cucumbers and crinoids;
 - “fisheries officer” means a person appointed as such under section 5;
 - “fish pot” means a wire trap for catching fish;
 - “game warden” means a person appointed as such under the Animals Law (2003 2003 Revision Revision);
 - “Governor” means Governor in Cabinet;
 - “marine life” includes creatures and plants which exist mainly in water as well as coral, sponge and every class of crustacean and shellfish;
 - “marine park” means an area designated as such under section 11;
 - “master” in relation to a vessel means the person or persons having control thereof at any given time;

“noxious substance” includes explosives and any substance by means of which any marine life may be killed, stupefied or otherwise harmed but does not include any device for catching fish used lawfully under this Law;

“periwinkle” means the local term used to describe the marine gastropod molluscs of the family *Littorinidae*;

“restricted marine area” means an area designated as such under section 10;

“sell” includes disposal of as well as to offer for sale or disposal and any attempt so to do;

“spear gun” includes a mechanical or pneumatic spear gun, a Hawaiian sling, a pole spear, a stick spear, 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;

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

“shore” means any land bordering on the sea, a canal or other similar body of water connected to the sea and includes a quay, wharf, dock or other such structure which is built in or which extends into any such body of water;

“tail length” with reference to crustaceans means the measurement from the leading edge of the first abdominal segment to the extremity of the extended tail fan;

“take”, “catch” and their cognates mean to take, kill or capture any marine life from its natural habitat and includes any attempt so to do;

“vessel” includes ship, boat, raft, barge, float, lighter and hovercraft; and

“whelks” means the local term used to describe the marine gastropod molluscs *Cittarium pica* of the family *Trochidae*.

PART II-Administrative

Marine Conservation
Board

3. (1) There is hereby established a Board called the Marine Conservation Board consisting of a Chairman and eight other members to be appointed by the Governor to hold office at the pleasure of the Governor. Three of the members so appointed shall be residents of Cayman Brac or Little Cayman.

(2) The Governor may appoint a secretary and other officers to assist the Board with its duties who may or may not hold other offices in the civil service.

(3) The expenses of the Board shall be defrayed from funds voted for that purpose by the Legislative Assembly.

(4) Meetings of the Board shall be convened by the Chairman on at least two occasions in each year and on other occasions at the discretion of the Chairman.

(5) The Board shall reach its decisions by a majority vote of its members:

Provided that the Chairman shall not have an original vote but in the event of a tie shall have a casting vote.

(6) Four members present within a quarter of an hour of the time fixed for a Board meeting shall constitute a quorum.

(7) In the absence of the Chairman at any meeting those present and forming a quorum shall elect a Chairman from among their number.

(8) The decisions of the Board shall be put into effect by directives issued under the hand of the Chairman and decisions generally affecting the public shall be gazetted.

(9) In all other respects the Board shall have control of its own procedure.

4. The functions of the Board are-

Functions of the Board

- (a) the general administration of this Law;
- (b) the control of fisheries officers;
- (c) the issue of licences under this Law; and
- (d) the collection of fees payable under this Law and the accounting therefor to the Treasury.

5. (1) The Board may appoint suitable persons to be fisheries officers and entrust them with such powers as may be considered necessary to enable them to assist in the enforcement of this Law and such fisheries officers shall hold office at the Board's pleasure and be ex officio members of the staff of the Board.

Fisheries officers

(2) All constables and game wardens are ex officio fisheries officers.

(3) Fisheries officers, subject to the directions of the Board, have, for the purpose of performing their duties under this Law, all the rights and immunities of constables acting generally in the ordinary course of their duty.

(4) Any fisheries officer may, in any public place, Crown lands, restricted marine area or marine park or in any animal sanctuary established under the Animals Law (2003 Revision), search any person whom he may have reasonable cause to suspect of having contravened this Law or any regulations and may stop and search any vehicle, boat or other conveyance in or upon which he has reasonable cause to suspect that there is any marine life in respect of which any

2003 Revision

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 noxious substance, spear gun, trap, net or other instrument used in the commission of any such offence.

(5) Regulations made under this Law may authorise fisheries officers to stop, and enter into or upon, a vehicle, boat or other conveyance in prescribed circumstances or for prescribed purposes.

PART III-Protection of Certain Species

Closed seasons and
bans-lobsters, conch and
Nassau groupers

6. (1) Whoever takes from Cayman waters or receives or has in his possession any lobsters taken from Cayman waters during the months of March to November inclusive is guilty of an offence.

(2) Whoever takes from Cayman waters in any one day more than three lobsters is guilty of an offence.

(3) Whoever permits or causes to be caught from or loaded onto any one vessel in any one day -

- (a) more than three lobsters for each person on board such vessel; or
- (b) six such lobsters,

whichever is the lesser number, is guilty of an offence.

(4) Whoever, in Cayman waters, takes, injures or has in his possession-

- (a) any spiny lobster (*Panulirus argus*) below six inches tail length; or
- (b) any member of any species of lobster other than the spiny lobster aforesaid,

is guilty of an offence.

(5) Whoever takes from Cayman waters or receives or has in his possession any -

- (a) chitons;
- (b) periwinkles; or
- (c) bleeding teeth,

taken from Cayman waters is guilty of an offence.

(6) Whoever takes from Cayman waters or receives or has in his possession any conch taken from Cayman waters during the months of May to October inclusive is guilty of an offence.

(7) With effect from 1st January, 2003 to 31st December 2003 (and every alternate year thereafter) any person who, by any means, takes from a designated grouper spawning area or receives or has in his possession any Nassau grouper which has been taken from such an area is guilty of an offence and in the years during which a person is permitted to take Nassau groupers from a designated grouper spawning area, a person who, in any one day, causes or permits to be loaded onto any vessel in Cayman waters more than twelve groupers is guilty of an offence.

(8) The Board may, by notice in the Gazette, suspend or change the operation of subsection (7), from time to time, in such area or areas as it may specify in such notice.

7. (1) Whoever takes from Cayman waters in any one day more than five conch is guilty of an offence. Restriction on taking
and receiving conch

(2) The Board may, by notice in the Gazette, suspend or change the operation of subsection (1) from time to time in such area or areas as it may specify in the notice.

(3) Whoever permits or causes to be caught from or loaded onto any one vessel in any one day-

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

whichever is the lesser number, is guilty of an offence.

(4) Whoever, in any one day, purchases or receives more than five conch taken from Cayman waters is guilty of an offence.

8. (1) Whoever, in any one day- Restriction on taking
and receiving whelks

- (a) takes more than two gallons and one-half gallons of whelks in the shell from Cayman waters; or
- (b) has in his possession more than two and one-half pounds of whelks which are processed and which were taken from Cayman waters,

is guilty of an offence.

(2) Whoever, in any one day, causes or permits to be loaded onto any vessel in Cayman waters more than two and one-half gallons of whelks in the shell which were taken from Cayman waters is guilty of an offence.

(3) Whoever, in any one day, purchases or receives more than two and one-half gallons of whelks in the shell taken from Cayman waters or more than two and one-half pounds of processed whelks is guilty of an offence.

(4) Notwithstanding subsections (1) to (3), whoever takes from Cayman waters or receives or has in his possession any whelks taken from Cayman waters during the months of May to October inclusive is guilty of an offence.

Restriction on taking
and receiving Nassau
groupers

9. Whoever, by any means, takes from Cayman waters any Nassau grouper which is less than one foot in length is guilty of an offence.

PART IV-Restricted Marine Areas and Marine Parks

Restricted marine areas

10. (1) The Governor may designate areas of Cayman waters to be restricted marine areas under the management of the Board for the purpose of marine research and development, and such areas shall be clearly demarcated and shall be closed to all members of the public save licensees of the Board.

(2) Whoever, not being licensed in that behalf, enters upon a restricted marine area is guilty of an offence.

Marine parks

11. (1) The Governor may designate certain areas of Cayman waters to be marine parks and such areas shall be clearly demarcated and subject to such restrictions of user by the public as the Governor may prescribe in each case.

(2) Whoever, in a marine park, fails to comply with any restriction imposed with respect thereof is guilty of an offence.

Spawning areas

12. (1) The Governor may designate certain areas of Cayman waters to be spawning areas for any type of marine life and such areas shall be clearly demarcated and subject to such restrictions of user by the public as specified in this Law or as the Governor may specify in each case.

(2) Whoever, in a designated spawning area, fails to comply with any restriction imposed with respect to such spawning area is guilty of an offence.

PART V-Restriction of Fishing Methods

Use of noxious
substances prohibited

13. Whoever uses any noxious substance for the purpose of taking marine life in Cayman waters is guilty of an offence.

Fishing by divers
prohibited

14. Subject to section 18, any person who, while equipped with any kind of underwater breathing apparatus, takes any marine life in Cayman waters is guilty of an offence.

15. (1) Whoever has a spear gun in his possession in the Islands or takes any marine life with the aid of a spear gun in Cayman waters or has in his possession any marine life taken from Cayman waters with the aid of a spear gun is guilty of an offence unless licensed by the Board who may, in granting such licence, make such conditions as to possession and use as it may think fit.

Use of spear guns
prohibited

(2) Whoever, being licensed under subsection (1), in any one day, takes more than three fish from Cayman waters by the use of a spear gun or who has in his possession more than six fish which have been caught by a spear gun is guilty of an offence

16. Whoever uses or attempts to use any seine or gill net for the purpose of taking marine life in Cayman waters is guilty of an offence:

Use of seine or gill nets
prohibited

Provided that the Board may, in exceptional circumstances, grant licences for the use of seine nets and in granting such licences may make such conditions as to possession and use as it may think fit.

17. (1) Whoever has a fish pot in his possession in the Islands or takes any marine life with the aid of a fish pot in Cayman waters is guilty of an offence unless licensed by the Board who may, in granting such licence, make such conditions in addition to those imposed by this Law, as to possession and use as it may think fit.

Restriction on use of fish
pots

(2) Whoever uses a fish pot for the purpose of taking any marine life within an area of one mile of any boundary of a designated grouper spawning area during the months of November to March inclusive is guilty of an offence.

(3) The Board may from time to time by directives determine the types of fish pots which may be used in accordance with subsection (1); and such directives may provide for any matter incidental to the licensing, issue and use of fish pots.

18. (1) Whoever, not being licensed in that behalf by the Board, takes any-

Restriction on taking
certain marine life

- (a) coral;
- (b) algae;
- (c) sponge;
- (d) turtle egg;
- (e) hermit crab (save in reasonable quantities for fish bait or human consumption); or
- (f) any fish less than eight inches in length other than the following-
 - (i) goggle eye fish (*Selar crumenophthalmus*),
 - (ii) herring fish (*Clupeidae*);
 - (iii) anchovy fish (*Engraulidae*); or

(iv) silverside fish {*Atherinidae*},
is guilty of an offence.

(2) Whoever takes-

- (a) any Jew fish (*Epinephelus itajara*);
- (b) any of the following ornamental fish-
 - (i) tilefish (*Malacanthus plumieri*);
 - (ii) filefish {*Monacanthidae*}; or
 - (iii) angelfish {*Pomacanthidae*}; or
- (c) any Echinoderms,

is guilty of an offence.

Licence to fish

19. (1) Whoever resides in the Islands and-

- (a) who does not possess Caymanian status (as defined in section 20 of the Immigration Law (2007 Revision)); or
- (b) who has a permit to work in the Islands,

2007 Revision

and who, while he is on shore or while he is in any part of Cayman waters in which he can stand (with or without any assistance) takes or attempts to take, by any means, any marine life from Cayman waters is guilty of an offence unless licensed by the Board who may, in granting such licence, impose such conditions as it may think fit.

(2) Subsection (1) does not apply to persons resident in the Islands who engage in the sport fishing known as “catch-and- release fishing”.

(3) The licence under subsection (1) shall be for a period of one month or one year and the fees for such licences are set out in the Schedule.

(4) The Schedule may be amended by the Governor by Order.

PART VI-General

Restriction on certain exports

20. Whoever, not being licensed in that behalf by the Board, exports or attempts to export any live fish or other free moving marine creature or hermit crab is guilty of an offence.

Prohibition on feeding sharks

21. Whoever feeds, attempts to feed or provides or uses food to attract any shark in Cayman waters is guilty of an offence.

Control of effluents

22. Whoever directly or indirectly causes or permits to flow or to be put into Cayman waters any harmful effluents or raw sewage, unless specifically

- permitted in that behalf under the Public Health Law (2002 Revision) or any other law, is guilty of an offence. 2002 Revision
23. Whoever, unless licensed in that behalf, in connection with any buildings, dredging or construction work or licensed by the Governor for any purpose or being permitted or required so to do by any other law, intentionally cuts, carves, injures, mutilates, removes, displaces or breaks any underwater coral or plant growth or formation in Cayman waters is guilty of an offence. Protection of submerged features
24. Whoever, while diving in Cayman waters, whether using underwater breathing apparatus or otherwise, wears gloves of any type is guilty of an offence. Prohibition relating to divers
25. A constable may arrest any person whom upon reasonable grounds he suspects of being in contravention of this Law or any regulations controlling the taking of marine life and may stop and search any vessel or vehicle which he reasonably suspects is being used in effecting the purpose of such contravention. Constable's power of arrest
26. Where any person is convicted of an offence under this Law or any regulations relating to the taking of marine life, the court, on conviction, may order the forfeiture of any trap, net, diving equipment or other paraphernalia used or intended to be used in the commission of the offence and may order the forfeiture of any vessel or vehicle so used: Forfeiture
- Provided that in the case of forfeiture of a vessel or vehicle the owners thereof may be permitted to recover the same on payment of six thousand dollars or such lesser sum and upon such other terms as the court may order.
27. (1) This Law shall not apply to the Crown. Application
- (2) This Law shall not apply to such scientific bodies or persons as the Board may from time to time specifically exempt in writing upon such conditions as the Board may prescribe in each case.
28. (1) Any person aggrieved by any decision of the Board may, within ten days of the receipt of notification of that decision, appeal against it to the Governor whose decision shall be final and binding on the appellant. Appeals against decisions of the Board
- (2) A decision of the Governor under subsection (1) shall be deemed to be an administrative and not a judicial decision. No person shall be required to give any reason for such decision nor shall it be questioned in any court of law.
29. The Governor may make regulations- Regulations
- (a) prescribing the powers of fisheries officers;
 - (b) prescribing marine parks;

- (c) prescribing restricted marine areas and conditions applicable to each such area;
- (d) varying the limits and numbers of marine creatures which may, from time to time, be taken or exported;
- (e) prescribing insignia and badges which may be displayed or worn exclusively by fisheries officers;
- (f) for the protection of marine life from damage by anchor and similar contrivances;
- (g) prescribing forms to be used in the application for and granting of licences;
- (h) prescribing fees to be charged by the Board for receiving applications and granting licences;
- (i) controlling the taking of black coral (*Antipathes sp*);
- (j) prescribing forms of seines and nets which may and may not be used in Cayman waters;
- (k) for the stocking of restricted marine areas and marine parks with marine life and the protection of such stock;
- (l) prescribing minimum sizes below which marine creatures may not be taken;
- (m) prescribing closed seasons within which marine creature may not be taken;
- (n) prescribing areas within which marine creatures may not be taken;
- (o) prescribing areas within which fishing by certain methods only is permissible;
- (p) prescribing limits to the number of fish traps, seines or other nets which may be used by any person within any prescribed area;
- (q) prohibiting or regulating-
 - (i) touching or feeding of or other human interaction with marine life of a prescribed kind or description; and
 - (ii) the promotion or use of any area of land or waters as a place where such interaction is invited, encouraged or facilitated;
- (r) regulating the use of vessels in waters of the Islands, whether or not within a restricted marine area or marine park, for the purposes of this Law or authorising the regulation thereof, by means of licences, journey scheduling or otherwise, by a prescribed person or body; and
- (s) prescribing matters required or permitted by this Law to be prescribed or for carrying out or giving effect to the provisions and purposes of this Law.

Offences and penalties

30. Whoever contravenes this Law or any regulations made hereunder is guilty of an offence and liable on summary conviction to a fine of five hundred thousand dollars and to imprisonment for twelve months and in addition thereto the court so

convicting may order the confiscation of any vessel or equipment that it is satisfied has been used for the purpose of committing or facilitating the commission of such offence or was intended to be used for such purpose.

SCHEDULE

section 19 (3)

Annual Fishing Licence Fee

Four hundred dollars

Monthly Fishing Licence Fee

One hundred and fifty dollars

Publication in consolidated and revised form authorised by the Governor in Cabinet this 19th day of June, 2007.

Carmena Watler
Clerk of Cabinet

(Price \$ 3.20)