

CAYMAN ISLANDS



MUSIC AND DANCING (CONTROL) LAW

(2019 Revision)

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PUBLISHING DETAILS

Consolidated with Laws 17 of 1980, 20 of 1981, 11 of 1989, 19 of 1989, 17 of 1991, 28 of 2009, 36 of 2011 and 9 of 2018.

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

Originally enacted —

Law 10 of 1977-19th May, 1977

Law 17 of 1980-10th September, 1980

Law 20 of 1981-13th October, 1981

Law 11 of 1989-5th September, 1989

Law 19 of 1989-22nd November, 1989

Law 17 of 1991-11th September, 1991

Law 28 of 2009-21st October, 2009

Law 36 of 2011-14th December, 2011

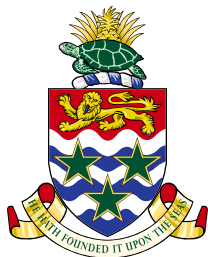
Law 9 of 2018-29th June, 2018.

Consolidated and revised this 1st day of January, 2019.

Note (not forming part of this Law): This revision replaces the 2012 Revision which should now be discarded.



CAYMAN ISLANDS



MUSIC AND DANCING (CONTROL) LAW
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CAYMAN ISLANDS



MUSIC AND DANCING (CONTROL) LAW

(2019 Revision)

Short title

1. This Law may be cited as the *Music and Dancing (Control) Law (2019 Revision)*.

Definitions

2. In this Law, unless the context otherwise requires —

“**Board**” has the meaning ascribed to it in the *Liquor Licensing Law (2019 Revision)*;

“**Chairman**” means the Chairman of the Board;

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

“**hotel**” has the meaning ascribed to it in the *Liquor Licensing Law (2019 Revision)*;

“**licensed**” and its cognates means licensed under this Law;

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

“**permitted hours**” means those hours in which licensed premises are not ordered by the Board to be closed to the public and includes the hours covered by permission given under section 3(3) or an extension of permitted hours under section 9(2);

“**premises subject to this Law**” means premises —

- (a) with respect to which a charge is made for admission;
 - (b) where food or refreshment is supplied to the public for a charge; or
 - (c) which are licensed under the *Liquor Licensing Law (2019 Revision)*,
- but do not include exempted premises;

“**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.

Application

2A. (1) This Law does not apply to the following premises —

- (a) premises licensed for public film exhibition under the *Film Exhibition Control Law, 2015*[*Law 9 of 2015*];
- (b) areas in hotels which are not open to the general public and 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.

- (2) The exemption under subsection (1) applies to premises under subsection (1)(c) only where the performances of music, dance or drama are presented primarily for artistic, cultural or religious purposes, rather than for profit.

Certain premises require to be licensed for music and dancing

3. (1) No person having control of any premises subject to this Law shall on or in such premises or on or in any public or other place adjacent to or in the immediate vicinity of such premises cause or permit any dancing or the playing of music —

- (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.

- (2) Notwithstanding subsection (1)(c), music may be played or dancing permitted on Sunday, Good Friday and Christmas Day at the airport or “port areas”, as defined in the *Port Authority Law (1999 Revision)*, in order to welcome arriving passengers, or in a restaurant or hotel, being premises subject to this Law, provided the following conditions are observed —



- (a) the music is not played in excess of the prescribed noise levels; and;
 - (b) the time during which it is played shall be between the hours of 9.00 a.m. and 11.45 p.m.
- (3) Notwithstanding subsection (1)(c), the Board may permit dancing or the playing of music in licensed premises, subject to such conditions as the Board may in each particular case determine during the following hours —
 - (a) where New Year's Eve falls on a Saturday, from midnight of that day until 2 a.m. the following morning; and
 - (b) where New Year's Eve falls on a Sunday, from 10 p.m. until midnight of that day.
- (4) The hours covered by permission granted under subsection (3) are deemed to be permitted hours for the purposes of this Law.

Categories of licences

4. Licences are of three categories as follows —

- (a) general licences granted for one year or the unexpired portion of a year terminating on 30th September;
- (b) occasional licences granted for periods of from one to six consecutive days; and
- (c) temporary licences granted to the holders of temporary licences under the *Liquor Licensing Law (2019 Revision)*, for the duration of such licences.

Applications for licences

- 5. (1) Applications for the grant of licences shall be made in writing to the Chairman in the form prescribed in the Schedule —
 - (a) in the case of general licences, not less than twenty-one days before the 1st March, June, September or December;
 - (b) in the case of occasional and temporary licences, not less than seven days before the licence is required.
- (2) Applications for renewal of general licences shall be made in writing to the Chairman in the form prescribed in the Schedule not less than twenty-one days before the 1st September.
- (3) Applications for variation of licences shall be made in writing to the Chairman in the form prescribed in the Schedule not less than twenty-one days before the variation is desired.

Grants of licences

- 6. (1) General licences and the renewal thereof may be granted by the Board.



- (2) Occasional and temporary licences may be granted by the Chairman.
- (3) Variation of licences (change of premises or change of licensee) may be granted *pro tempore* by the Chairman subject to confirmation by the Board at the next annual or quarterly meeting thereof.

Condition of grants of licences

7. The conditions applying to the grant, transfer and renewal of licences shall *mutatis mutandis*, be the same as the conditions applying to the grant of liquor licences under the *Liquor Licensing Law (2019 Revision)*:

Provided that where on licensed premises there has been committed an offence contrary to this Law or the *Liquor Licensing Law (2019 Revision)* leading to the conviction of the offender or where other good cause exists, the Chairman, within one month of such conviction or of his becoming aware of such cause, may suspend the relevant licence until the next session of the Board, and the Board at such session, after hearing the licensee and any objections to the continuation of the licence, may raise the suspension or revoke or refuse to renew the licence:

Provided further that in the event of the Board raising any such suspension, it may order the payment from public funds to the licensee concerned of a sum not exceeding five hundred dollars by way of full and final compensation for all loss suffered by reason of such suspension and such order shall take effect accordingly and shall not be the subject of any appeal to, or review by, any court.

Consideration of applications and issue of licences

8. The Board shall consider the grant of licences either at the termination of the other business transacted at its sessions or together with such other business as may be convenient and where licences are granted shall issue a certificate as prescribed in the Schedule.

Extensions of permitted hours

9. (1) The Board shall, at its annual general meetings in September, by order, prescribe what hours are permitted hours for the purpose of this Law and cause such orders to be gazetted.
- (2) The Chairman may, from time to time, grant extensions of permitted hours in respect of special occasions either generally or in the case of a particular licence.
- (3) The hours covered by an extension given under subsection (2) are deemed to be permitted hours for the purposes of this Law.



Signs

- 10.** Premises licensed under this Law shall display a sign on the outside thereof in the form prescribed in the Schedule.

Licensed premises to be open for inspection

- 11.** Licensed premises shall be open for inspection by trade officers at all reasonable times.

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 (2019 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 (2019 Revision)*, including the powers set out in section 33 of that Law to enter and search premises.

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.

Fees

- 12.** (1) An application for the grant, variation or renewal of a licence shall be accompanied by the application fee prescribed in the Schedule.
- (2) An applicant shall, in addition to the application fee specified in subsection (1), pay the fee prescribed in the Schedule for the category of licence applied for.



- (3) Where the grant, variation or renewal of a licence is refused, three-quarters of the licence fee paid on application shall be returned to the applicant.
- (4) The 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.

Penal

- 13.** (1) A person who contravenes section 3 is commits an offence and is liable on summary conviction to a fine of five hundred dollars or to imprisonment for one month.
- (2) A person who —
- (a) makes any statement orally or in writing in the truth of which he does not believe (the onus of proving his belief being upon him) calculated to deceive or mislead the Board, its Chairman or any member thereof in connection with its business under this Law; or
 - (b) obstructs any trade officer in the execution of his duty under section 11, commits an offence and is liable on summary conviction to a fine of five hundred dollars and to imprisonment for one month.

Regulations

- 14.** The Cabinet may make regulations for the purpose of the administration of this Law 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.



SCHEDULE**FORMS****Form M&D 1****MUSIC AND DANCING (CONTROL) LAW (2019 REVISION)**

(section 5(1)(a))

To the Chairman of the Board —

I, _____, aged _____, of _____, hereby
apply to the Board for a licence for the period beginning on the _____ day of _____, 20____, _____,
and ending on the 30th day of September following.

The address of the proposed licensed premises is

I enclose certificates of the Commissioner of Police, the Chief Medical Officer, the
Officer in Charge of the Public Works Department and the Executive Secretary of the
Central Planning Authority as to the suitability of the premises.

A plan of the premises with details of dance floor areas, entrances and toilet facilities
marked thereto is attached.

The Treasury receipt for the prescribed fee is enclosed.

Signed: _____



Form M&D 2**MUSIC AND DANCING (CONTROL) LAW (2019 REVISION)**

(section 5(1) (b))

We, _____ aged _____ respectively,
of, _____ hereby apply for an occasional
temporary licence from _____ until _____ inclusive between the hours of
and _____ at _____.

The circumstances are as follows-

The Treasury receipt for the prescribed fee is enclosed.

Signed: _____



Form M&D 3

MUSIC AND DANCING (CONTROL) LAW (2019 REVISION)

(section 5(2))

To the Chairman of the Board —

I, _____, the holder of licence No. _____, hereby

apply for renewal of the said licence for a further period of one year.

The Treasury receipt for the prescribed fee is enclosed herewith together with the certificate for endorsement.

Signed: _____



Form M & D 4**MUSIC AND DANCING (CONTROL) LAW (2019 REVISION)**

(section 5(3))

To the Chairman of the Board —

I _____, holder of licence No. _____, hereby apply for
variation of the said license by

The Treasury receipt for the prescribed fee is enclosed.

Signed: _____



Form M&D 5

MUSIC AND DANCING (CONTROL) LAW (2019 REVISION)

(section 8)

This is to certify that

of _____ is the holder of licence No. _____ under the above
Law in respect of the premises at _____ which licence is due
to expire on the 30th of September 20 .

Signed: _____

Chairman of the Board

Date:

Space for renewals



SIGN

(section 10)

The sign shall be not less than 6 inches by 24 inches and not more than 9 inches by 36 inches in dimensions and shall carry in white letters on a black ground such lettering to be not more than 3 inches or less than 2 inches in height the following information —

“Licensed for Music and Dancing,-----, Licensee”.

FEES

(section 12)

Application Fee	\$ 50
Annual licence	\$500
In the case of a period of less than one year, per quarter or part thereof	\$500
Temporary licence	\$300
Occasional licence (per day)	\$300
For variation of a licence	\$100

**Publication in consolidated and revised form authorised by the Cabinet this day
12th of February, 2019.**

Kim Bullings
Clerk of Cabinet



ENDNOTES

Table of Legislation History:

SL #	Law #	Legislation	Commencement	Gazette
	9/2018	Music and Dancing (Control) (Amendment) Law, 2018	13-Aug-18	G17/2018/s8
		Music And Dancing (Control) Law (2012 Revision)	8-Oct-12	G21/2012/s10
	36/2011	Music and Dancing (Control) (Amendment) Law, 2011	22-Dec-11	GE113/2011/s2
		Music And Dancing (Control) Law (2010 Revision)	8-Nov-10	G23/2010/s13
	28/2009	Music and Dancing (Control) (Amendment) Law, 2009	23-Nov-09	G24/2009/s5
		Music And Dancing (Control) Law (1995 Revision)	1-May-95	G9/1995/s3
	17/1991	Music and Dancing (Control) (Amendment) Law, 1991	6-Nov-91	GE/1991/s7
	19/1989	Music and Dancing (Control) (1989 Amendment) (Repeal) Law, 1989	26-Feb-90	G5/1990/s3
	11/1989	Music and Dancing (Control) (Amendment) Law, 1989	20-Nov-89	G24/1989/s5
	20/1981	Music and Dancing (Control) (Amendment) Law, 1981		G23/1981/s2
	17/1980	Music and Dancing (Control) (Amendment) Law, 1980		G20/1980/s1
	10/1977	Music and Dancing (Control) Law, 1977	6-Jun-77	G12/1977/s4





(Price: \$4.00)

