

contrivances;

- (g) prescribing forms to be used in the application for and granting of licences under this Law;
- (h) prescribing fees to be charged by the Board for receiving applications and granting licences under this Law;
- (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 anything required by this Law to be prescribed.

Offences and penalties.

25. Whoever contravenes any provision of this Law or any regulation is liable on summary conviction to a fine not exceeding \$500 or imprisonment for a term not exceeding six months or both.

Repeal of Law 18 of 1964 and Cap. 56.

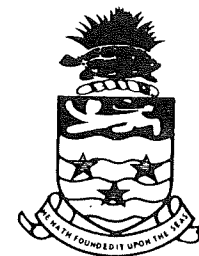
26. The Fisheries Licensing Law and the Lobster (Restriction of Fishing) Law, 1964 are hereby repealed.

Passed the Legislative Assembly this 8th day of September, 1978.

T. RUSSELL
President

SYBIL McLAUGHLIN
Clerk of the Legislative Assembly.

CAYMAN ISLANDS



Supplement No. 4 published with Gazette No. 20 of 1978.

THE MARINE
CONSERVATION LAW, 1978
(Law 19 of 1978)

CAYMAN ISLANDS

THE MARINE CONSERVATION LAW
ARRANGEMENT OF SECTIONS

PART I — Preliminary

- 1. Short title.
- 2. Interpretation

PART II — Administrative

- 3. The Marine Conservation Board
- 4. Functions of the Board
- 5. Fishery Inspectors

PART III — Protection of certain species

- 6. Absolute protection of certain lobsters
- 7. Closed season for lobsters
- 8. Limit of lobster catch
- 9. Restriction on taking and receiving conch and other mollusc

PART IV — Restricted Marine Areas and Marine Parks

- 10. Restricted marine areas
- 11. Marine Parks

PART V — Restriction of Fishing Methods

- 12. Use of noxious substances prohibited
- 13. Fishing by divers prohibited
- 14. Use of spear guns restricted
- 15. Use of seine or gill nets prohibited
- 16. Restriction on taking certain marine life

PART VI — General

- 17. Restriction on certain exports
- 18. Control of effluents
- 19. Protection of submerged features
- 20. Constables' power of arrest
- 21. Forfeiture
- 22. Application
- 23. Appeals against decisions of the Board
- 24. Regulations
- 25. Offences and penalties
- 26. Repeal of Law 18 of 1964 and of Cap. 56.

PART VI — General

Restriction on certain exports.	17. 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.
Control of effluents.	18. 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 or any other Law, is guilty of an offence.
Protection of submerged features.	19. 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.
Constables' power of arrest.	20. A constable may arrest any person whom upon reasonable grounds he suspects of being in contravention of this Law or any regulation 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.
Forfeiture.	21. Where any person is convicted of an offence under this Law or any regulation 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: 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 \$6,000 or such lesser sum and upon such other terms as the court may order.
Application.	22. (1) This Law shall not apply to the Crown. (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.
Appeals against decisions of the Board.	23. (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 in Council whose decision shall be final and binding on the appellant. (2) A decision of the Governor in Council under sub-section (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.
Regulations.	24. The Governor may make Regulations — (a) prescribing the powers of Fishery Inspectors; (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 Fishery Inspectors; (f) for the protection of marine life from damage by anchor and similar

specify in such notice.

(2) Any person who causes or permits to be loaded onto any vessel in Cayman Waters more than twenty conch in any one day commits an offence.

(3) Any person who in any one day purchases or receives more than twenty conch taken from Cayman Waters commits 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.

PART V — Restriction on fishing methods

Use of noxious substances prohibited.

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

Fishing by divers prohibited.

13. Subject to section 16, whoever while equipped with any kind of underwater breathing apparatus takes any marine life in Cayman Waters is guilty of an offence.

Use of spear guns restricted.

14. Whoever takes any marine life with the aid of a spear gun in Cayman Waters is guilty of an offence save that the use of a spear gun —

(a) (i) by any one person to take for human consumption only six fish or less per day;

(ii) five lobsters or less per day in accordance with section 8; in any area other than a marine park or a restricted marine area; or

(b) under the written authority of the Board

is permitted.

Use of seine or gill nets prohibited.

15. Whoever uses or attempts to use any seine or gill net for the purpose of taking marine life in Cayman Waters other than for human consumption or fish bait is guilty of an offence.

Restriction on taking certain marine life.

16. Whoever, not being licensed in that behalf by the Board takes any —

(a) coral;

(b) algae;

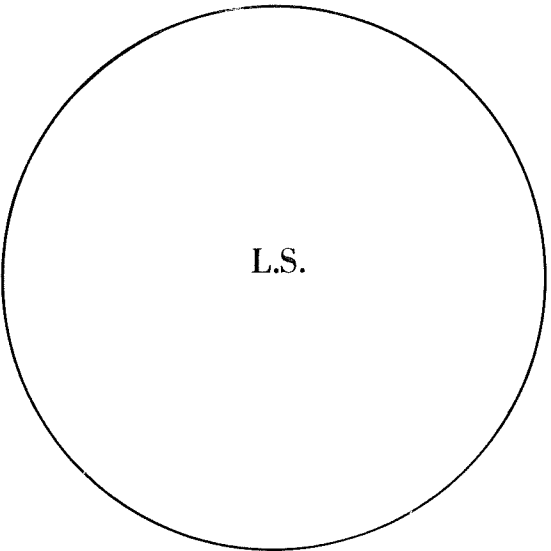
(c) sponge;

(d) turtle egg; or

(e) hermit crab (save in reasonable quantities for fish bait or human consumption).

is guilty of an offence.

CAYMAN ISLANDS



Law 19 of 1978

I assent

T. RUSSELL

Governor

14th September, 1978

A LAW to preserve the natural amenities of the territorial waters of the Islands.

ENACTED by the Legislature of the Cayman Islands.

PART I — Preliminary

Short title.

1. This Law may be cited as the Marine Conservation Law, 1978.

Interpretation.

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

“Board” means the Marine Conservation Board established by section 3;

“cape length” with reference to crustaceans means the measurement from between the horns to the trailing edge of the carapace;

“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;

“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;

“Fishery Inspector” means a person appointed as such by authority of section 5;

“game warden” means a person appointed as such by authority of the Animals Law;

“Governor” means the Governor in Council;

“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 by authority of section 11;

Law 8 of 1976.

“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;

“restricted marine area” means an area designated as such by authority of section 10;

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

“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 means to take, kill or capture any marine life from its natural habitat and includes any attempt so to do; and

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

PART II — Administrative

The 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 the Lesser Islands.

(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 decision 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.

Functions of the Board.

4. The functions of the Board are —

- (a) the general administration of this Law;
- (b) the control of Fishery Inspectors;

- (c) the issue of licences under this Law;
- (d) the collection of fees payable under this Law and the accounting therefor to the Treasury.

Fishery Inspectors.

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

(2) All constables and game wardens are ex officio Fishery Inspectors.

(3) Fishery Inspectors, 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 Fishery Inspector may in any public place or in any Crown lands or in any restricted marine area or marine park or in any animal sanctuary established under the Animals Law search any person whom he may have reasonable cause to suspect of having contravened any provision of this Law or any regulation 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 offence against this Law or any regulation 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.

Law 8 of 1976.

PART III — Protection of certain species

Absolute protection of certain lobsters.

6. Whoever in Cayman Waters takes, injures or has in his possession —
(a) any spiny lobster [*Panularus argus*] below 3 1/2 inches cape length or 6 inches tail length; or
(b) any member of any species of lobster other than the spiny lobster aforesaid,
is guilty of an offence.

Closed season for lobsters.

7. Whoever takes from Cayman Waters or receives or has in his possession any lobsters at all taken from Cayman Waters during the months of February to July inclusive is guilty of an offence.

Limit of lobster catch.

8. (1) Any person who takes from Cayman Waters in any one day more than five spiny lobsters [*Panularus argus*] of or exceeding 3 1/2 inches cape length or 6 inches tail length is guilty of an offence.

(2) Any person who permits or causes to be caught from, or loaded onto, any vessel in any one day —

- (a) more than five lobsters of the kind referred to in sub-section (1) for each person on board such vessel; or
- (b) fifteen such lobsters,

whichever be the lesser number, shall be guilty of an offence.

Restriction on taking and receiving conch and other mollusc.

9. (1) Any person who takes from Cayman Waters in any one day more than fifteen conch commits an offence:

Provided, however, that the Board may by notice in the Gazette suspend the operation of this sub-section from time to time in such area or areas as it may