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MARINE CONSERVATION LAW
(2002 Revision)

Law 19 of 1978 consolidated with Laws 5 of 1985, 5 of 1993 and 45 of 2001, 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Originally enacted-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)

Originally made-

Interpretation Order, 1983-10th May, 1983

Consolidated and revised this 4th day of June, 2002.

Note (not forming part of the Law): This revision replaces the 1995 Revision which should now be discarded.

MARINE CONSERVATION LAW
(2002 Revision)

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- (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; and
- (q) prescribing anything required by this Law to be prescribed.

28. 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.

Offences and penalties

Publication in consolidated and revised form authorised by the Governor in Council this 4th day of June, 2002.

Carmena Watler

Clerk of Executive Council

	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	<p>24. 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:</p> <p>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.</p>
Application	<p>25. (1) This Law shall not apply to the Crown.</p> <p>(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.</p>
Appeals against decisions of the Board	<p>26. (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.</p> <p>(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.</p>
Regulations	<p>27. The Governor may make regulations-</p> <ul style="list-style-type: none">(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 (<i>Antipathes</i> sp);

MARINE CONSERVATION LAW (2002 Revision)	
PART I-Introductory	
1.	This Law may be cited as the Marine Conservation Law (2002 Revision). Short title
2.	In this Law- Definitions
	“bleeding teeth” means the local term used to describe the marine gastropod molluscs of the family <i>Neritae</i> ;
	“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 <i>Polyplacophora</i> ;
	“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;
	“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 (1999 Revision); 1999 Revision
	“Governor” means 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 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 <i>Littorinidae</i> ;

“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;

“speargun” includes a mechanical speargun, a Hawaiian sling, a pole spear, a harpoon, a rod or any other device which may be used to take marine life by spearing it;

“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; and

“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.

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

is guilty of an offence.

PART VI-General

19. Any person who, 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. Restriction on certain exports
20. Any person who feeds, attempts to feed or provides or uses food to attract any shark in Cayman waters is guilty of an offence. Prohibition on feeding sharks
21. Any person who 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. Control of effluents 2002 Revision
22. Any person who, 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
23. A constable may arrest any person whom upon reasonable grounds he suspects of being in contravention of this Law or any regulations controlling the Constable's power of arrest

(2) Any person who, 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 On Fishing Methods

Use of noxious substances prohibited 13. Any person who 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.

Use of spear guns prohibited 15. Any person who has a speargun 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 speargun 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 seine or gill nets prohibited 16. Any person who 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:

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.

Restriction on use of fish pots 17. (1) Any person who 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.

(2) Any person who uses a fish pot for the purpose of taking any marine life within a 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.

Restriction on taking certain marine life 18. (1) Any person who, not being licensed in that behalf by the Board, takes any-

- (a) coral;

(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 his 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 (1999 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 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. 1999 Revision

PART III-Protection Of Certain Species

6. (1) Any person who 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. Closed seasons and bans-lobsters, conch and Nassau groupers

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

(3) Any person who 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) Any person who 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.

(5) Any person who 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.

(6) 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.

(7) The Board may, by notice in the Gazette, suspend or change the operation of subsection (6) from time to time in such area or areas as it may specify in such notice.

Restriction on taking
and receiving conch

7. (1) Any person who takes from Cayman waters in any one day more than five conch is guilty of an offence.

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

8. (1) Any person who, 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) Any person who, 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) Any person who, 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.

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

Restriction on taking
and receiving Nassau
groupers

PART IV-Restricted Marine Areas And Marine Parks

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.

Restricted marine areas

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

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.

Marine parks

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

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 prescribe in each case.

Spawning areas