

CAYMAN ISLANDS



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THE MUSIC AND DANCING (CONTROL) (AMENDMENT) LAW, 2018

(LAW 9 OF 2018)

THE MUSIC AND DANCING (CONTROL) (AMENDMENT) LAW, 2018

ARRANGEMENT OF SECTIONS

1. Short title
2. General amendment of the Music and Dancing (Control) Law (2012 Revision)
3. Amendment of section 2 - definitions
4. Insertion of section 2A - application
5. Amendment of section 3 - certain premises require to be licensed for music and dancing
6. Amendment of section 9 - extensions of permitted hours
7. Amendment of section 11 - licensed premises to be open for inspection
8. Insertion of sections 11A – 11C duties and powers of trade officers; powers and duties of the Commissioner and Director; obstruction of a trade officer, the Director or the Commissioner
9. Amendment of section 12 - fees Schedule
10. Amendment of section 14 - Regulations

CAYMAN ISLANDS

Law 9 of 2018.

I Assent

Franz Manderson

Acting Governor.

Date: 3rd August, 2018

**A LAW TO AMEND THE MUSIC AND DANCING (CONTROL) LAW
(2012 REVISION) TO BROADEN THE EXEMPTIONS FROM THE LAW
TO GIVE THE BOARD DISCRETION TO PERMIT MUSIC AND
DANCING ON SUNDAY WHERE NEW YEAR’S EVE FALLS ON A
SATURDAY OR SUNDAY; TO PERMIT THE BOARD TO WAIVE FEES
FOR CERTAIN OCCASIONAL LICENCES; TO PROVIDE FOR THE
ADMINISTRATION AND ENFORCEMENT OF THE LAW BY TRADE
OFFICERS, THE POLICE AND THE DIRECTOR OF THE
DEPARTMENT OF COMMERCE AND INVESTMENT; AND FOR
INCIDENTAL AND CONNECTED MATTERS**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Music and Dancing (Control) (Amendment) Law, 2018. Short title

2. The Music and Dancing (Control) Law (2012 Revision), in this Law referred to as “the principal Law”, is amended as follows - General amendment of
the Music and Dancing
(Control) Law (2012
Revision)

- (a) by deleting the words “(2000)” wherever they appear and substituting the words “(2016 Revision)”; and
- (b) by deleting the words “(2000 Revision)” wherever they appear the substituting the words “(2016 Revision)”.

Amendment of section 2
- definitions

3. The principal Law is amended in section 2 as follows -

- (a) by deleting the definition of the words “exempted premises” and substituting the following definition -
“ “exempted premises” means premises to which the Law does not apply by virtue of section 2A”;
- (b) by inserting in the appropriate alphabetical sequence the following definitions -
“ “occasional licence” means a licence of a category established by section 4(b);
“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;”;
- (c) by deleting the definition of “permitted days”; and
- (d) in the definition of the words “permitted hours” -
 - (i) by deleting the words “of permitted days”;
 - (ii) by inserting after the word “public” the words “and includes the hours covered by permission given under section 3(3) or an extension of permitted hours under section 9(2)”;
 - (iii) by deleting the word “and” following the semi-colon at the end of the definition.”

Insertion of section 2A -
application

4. The principal Law is amended by inserting after section 2, the following section -

“Application

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

Law 9 of 2015

- (a) premises licensed for public film exhibition under the Film Exhibition Control Law, 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.”.

5. The principal Law is amended in section 3 as follows -

Amendment of section 3
- certain premises
require to be licensed for
music and dancing

- (a) in subsection (1), by deleting all the words after the word “music” and substituting a dash and the following words -
 - “(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.”;
- (b) in subsection (2) -
 - (i) by deleting the words “subsection (1)(b) music may be played” and substituting the words “subsection (1)(c), music may be played or dancing permitted”;
 - (ii) by inserting after the word “Day” the words “at the airport or “port areas”, as defined in the Port Authority Law (1999 Revision), in order to welcome arriving passengers, or”;
 - (iii) by repealing paragraph (a) and substituting the following paragraph -
 - “(a) the music is not played in excess of the prescribed noise levels; and”;
 - (iv) by deleting the words “; and” at the end of paragraph (b) and substituting a full stop; and
 - (v) by repealing paragraph (c); and
- (c) by inserting after subsection (2) the following subsection -

(1999 Revision)

“ (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.”.

Amendment of section 9
- extensions of permitted
hours

6. The principal Law is amended in section 9 -
- (a) in subsection (1) by deleting the words “of permitted days”; and
 - (b) by repealing subsection (3) and substituting the following subsection -
- “ (3) The hours covered by an extension given under subsection (2) are deemed to be permitted hours for the purposes of this Law.”.

Amendment of section
11 - licensed premises to
be open for inspection

7. The principal Law is amended in section 11 by deleting the word “constables” and substituting the words “trade officers”.

Insertion of sections
11A - 11C - duties and
powers of trade officers;
powers and duties of the
Commissioner and
Director; obstruction of
a trade officer, the
Director or the
Commissioner

8. The principal Law is amended by inserting after section 11 the following sections -

“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.

(2016 Revision)

(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 (2016 Revision).

Powers and duties
of the
Commissioner and
Director

(2016 Revision)

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 (2016 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."

9. The principal Law is amended in section 12 by inserting after subsection (3) the following subsection -
- Amendment of section
12 - fees Schedule

" (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."

10. The principal Law is amended in section 14 -
- Amendment of section
14 - Regulations
- (a) by deleting the words "Governor in"; and
 - (b) by inserting after the word "Law" the words ", 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."

Passed by the Legislative Assembly the 29th day of June, 2018.

Dr. Hon. W. McKeever Bush

Speaker.

Zena Merren-Chin

Clerk of the Legislative Assembly.