

CAYMAN ISLANDS



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**THE NATIONAL CONSERVATION LAW, 2013
(LAW 24 OF 2013)**

**THE NATIONAL CONSERVATION COUNCIL (LICENCE AND
PERMIT) DIRECTIVES, 2016**

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PERMIT) DIRECTIVES, 2016**

In accordance with the powers conferred by section 3(12) of the National Conservation Law, 2013, the National Conservation Council makes the following Directives -

PART 1 - Introductory

1. These Directives may be cited as the National Conservation Council (Licence and Permit) Directives, 2016. Citation
2. In these Directives - Definitions
 - “Caymanian” means a person who possesses Caymanian status under the repealed Immigration Law (2003 Revision) or any earlier law providing for the same or similar rights, and includes a person who acquired that status under Part III of the Immigration Law (2015 Revision); (2003 Revision)
(2015 Revision)
 - “company” means a company incorporated in the Islands by virtue of the Companies Law (2013 Revision) and also a foreign company registered under that law; (2013 Revision)
 - “cull” means the process of taking surplus, alien or inferior species;
 - “Department” means the Department of Environment;
 - “designated grouper spawning area” means an area specified in the First Schedule to the Restricted Marine Areas (Designation) Regulations (2003 Revision); (2003 Revision)
 - “Law” means the National Conservation Law, 2013;
 - “licensee” means the holder of any type of licence issued in accordance with these Directives and the Law;

“lionfish spear” means a spear gun issued by the Department for the sole purpose of taking lionfish;

“permit holder” means the holder of any type of permit issued in accordance with these Directives and the Law;

“tourist vessel ” means a vessel used to carry paying passengers for sightseeing, wildlife interaction or other tourist activities; and

“wildlife interaction” means -

- (a) touching or feeding of marine life; or
- (b) attempting to touch or feed marine life.

Application of the
National Conservation
(General) Regulations,
2016

3. The National Conservation (General) Regulations, 2016 and any conservation plan adopted under the Law shall apply for the purposes of these Directives and any licence or permit granted under these Directives is subject to the limits on the number of fish or animals which are permitted to be taken under those Regulations and to the specified periods in which such fish or animals may be lawfully taken.

Form of application,
permits and licences

4. Every application for a permit or licence and every permit and licence issued by the Council shall be in such form as prescribed by the National Conservation (Fees and Forms) Regulations, 2016 and shall be accompanied by the relevant fees set out in those Regulations.

PART 2 - Licensing of Spear Guns

Application of this Part

5. This Part does not apply to lionfish spears.

Eligibility for grant of a
spear gun licence

(2013 Revision)

6. (1) Only persons who are -
(a) Caymanian;
(b) over the age of eighteen; and
(c) the holder of an owner's licence under the Marine Conservation Law (2013 Revision),

are eligible for the grant of a spear gun licence.

(2) In considering applications for licences under this Part the Council shall have regard to all the circumstances of the case, and in particular to whether the applicant -

(2013 Revision)

(2015 Revision)

- (a) has been convicted of any offence against the Law, the Animals Law (2015 Revision), the Marine Conservation Law (2013 Revision), any regulations or directives under those laws;

- (b) has been convicted of any offence involving violence or the threat of violence; or
- (c) failed to comply with any term or condition of a permit or licence issued under the Law.

7. (1) The Council, when granting a spear gun licence, in the licence -

Spear gun licence:
conditions

- (a) shall limit the number of spear guns that may be possessed under the licence to one;
- (b) shall prohibit the licensee from selling, lending or giving the spear gun to any other person;
- (c) shall permit the taking only of bony fish (*Teleostei*);
- (d) shall prohibit the taking of any Part 1 listed species;
- (e) shall prohibit the taking of Nassau Grouper (*Epinephelus striatus*) or parrotfish (family *Scaridae*);
- (f) shall limit the number of bony fish (*Teleostei*) that may be taken in any one period of twenty-four hours beginning at midnight to a maximum of three fish, excluding lionfish;
- (g) may allow the use of the spear gun in any specified protected area;
- (h) shall prohibit the use of a spear gun within two hundred yards of any dive or snorkel vessel flying a dive flag indicating that there are divers in the water, excluding the vessel from which the licensee is snorkelling;
- (i) shall prohibit the use of the spear gun in any lagoon, sound or a body of water which does not exceed twenty feet in depth; and
- (j) prohibit the use of a spear gun in a designated grouper spawning area.

(2) The Council shall, upon granting a spear gun licence, affix an identification tag to the spear gun of the licensee.

(3) A licence shall contain a picture of the licensee and of the spear gun.

(4) A person who fraudulently imitates, alters, mutilates, destroys or uses, or fraudulently lends or allows to be used by any other person, a spear gun licence or an identification permit commits an offence.

(5) Possession of more than one spear gun by a licensee is an offence under the Law.

8. Every licence issued by the Council under this Part is subject to the following conditions -

General conditions of
licence under this Part

- (a) the licence shall be for a period of one year and may be renewed in accordance with the Law;
- (b) the licence shall not be transferable;
- (c) the licence may be revoked by the Council in accordance with directive 9; and
- (d) when spear fishing, the licensee shall have the licence nearby in order to provide a copy of the same if requested so to do by a conservation officer.

Suspension or
revocation of a licence
under this Part

9. (1) The Council may suspend or revoke a licence if it appears to the Council that -

- (a) any material particular on the application for the licence was false;
- (b) the licensee is convicted of any offence under the Law, any regulations or directives thereunder;
- (c) the licensee is convicted of any offence involving violence or the threat of violence; or
- (d) the licensee contravenes any condition or restriction of the licence, or any condition or restriction of any other licence or permit granted to him, whether or not the licensee is prosecuted or convicted of any offence in relation to such contravention.

(2) Section 24 of the Law shall apply to a suspension or revocation of a spear gun licence.

PART 3 - Licensing of Seine Nets

Eligibility for grant of a
seine net licence

10. (1) Only persons who are Caymanian and over the age of eighteen are eligible for the grant of a seine net licence.

(2) In considering applications for licences under this Part the Council shall have regard to all the circumstances of the case, and in particular to whether the applicant -

(2015 Revision)

(2013 Revision)

- (a) has been convicted of any offence against the Law, the Animals Law (2015 Revision), the Marine Conservation Law (2013 Revision), any regulations or directives under those laws; or
- (b) failed to comply with any term or condition of a permit or licence issued under the Law.

Use of seine nets

11. (1) The use of seine nets in any part of Little Cayman is not permitted.

(2) The use of seine nets in any designated grouper spawning area is not permitted.

(3) Every seine net licensee shall notify the Department of Environment of the licensee's intention to use a seine net and allow the Department staff or conservation officers, to collect data, at reasonable times, on the species taken by him.

12. (1) The Council, when granting a seine net licence, shall in the licence -
- (a) limit the number, size and mesh of the nets that may be possessed under the licence;
 - (b) permit the taking only of jacks and goggle eyes (*carangidae family*);
 - (c) prohibit the taking of any Part 1 listed species; and
 - (d) limit the number of jacks or goggle eyes (*carangidae family*) that may be taken with the net in any one period of twenty-four hours beginning at midnight.

Seine net licence conditions

- (2) A licence shall contain a picture of the licensee.

(3) Any person who fraudulently imitates, alters, mutilates, destroys or uses, or fraudulently lends or allows to be used by any other person, a seine net licence commits an offence.

(4) Possession of more than the number of nets permitted under the licence is an offence under the Law.

13. Every seine net licence issued by the Council is subject to the following conditions -

General conditions of licence under this Part

- (a) the licence shall be for a period of one year and may be renewed in accordance with the Law;
- (b) the licence shall not be transferable;
- (c) the licence may be revoked by the Council in accordance with directive 14; and
- (d) when fishing, the licensee shall have the licence nearby in order to provide a copy of the same if requested so to do by a conservation officer.

14. (1) The Council may suspend or revoke a licence at any time if it appears to the Council that -

Suspension or revocation of a licence under this Part

- (a) any material particular on the application for the licence was false;
- (b) the licensee is convicted of any offence under the Law, any regulations or directives thereunder; or
- (c) the licensee contravenes any condition or restriction of the licence, or any condition or restriction of any other licence or

permit granted to him, whether or not the licensee is prosecuted or convicted of any offence in relation to such contravention.

(2) Section 24 of the Law shall apply to a suspension or revocation of a seine net licence.

PART 4 - Licensing of Fish Pots

Eligibility for grant of a fish pot licence

15. (1) Only persons who are Caymanian and over the age of eighteen are eligible for the grant of a fish pot licence.

(2) In considering applications for licences under this Part the Council shall have regard to all the circumstances of the case, and in particular to whether the applicant -

(2015 Revision)

(a) has been convicted of any offence against the Law, the Animals Law (2015 Revision), the Marine Conservation Law (2013 Revision), any regulations or directives under those laws; or

(2013 Revision)

(b) failed to comply with any term or condition of a permit or licence issued under the Law.

Types of fish pots to be used by licensees

16. The Council shall only grant licences in accordance with this Part to use a fish pot which complies with the following description -

- (a) has only one entry funnel;
- (b) does not exceed two feet in height by four feet in width by four feet in length;
- (c) is of a minimum mesh size which shall be a vertically oriented two and one-quarter inch mesh opening on all sides of the fish pot; and
- (d) has a trap door which shall -
 - (i) be not less than eight and one-half inches in height by eleven inches in width;
 - (ii) be secured only by rapidly decomposable cord; and
 - (iii) be hinged in such a way that the trap door will fall open when the cord decomposes.

Conditions to be set out in licence

17. (1) The Council, when granting a fish pot licence, shall in the licence -

- (a) limit the number of fish pots that may be possessed under the licence and the number shall not exceed two;
- (b) permit the taking only of those bony fish (*Teleostei*) which are permitted under the Law to be taken from Cayman waters;
- (c) prohibit the taking of any Part 1 listed species; and

- (d) limit the number of bony fish (*Teleostei*) that may be taken with the pot in any one period of twenty-four hours beginning at midnight.

(2) A licence shall contain a picture of the licensee.

(3) Any person who fraudulently imitates, alters, mutilates, destroys or uses, or fraudulently lends or allows to be used by any other person, a fish pot licence commits an offence.

(4) Possession of more than the number of fish pots permitted under the licence is an offence under the Law.

18. Every fish pot licence issued by the Council is subject to the following conditions -

General conditions of a licence under this Part

- (a) the licence shall be for a period of one year and may be renewed in accordance with the Law;
- (b) the licence shall not be transferable;
- (c) the licence may be revoked by the Council in accordance with directive 19; and
- (d) when fishing, the licensee shall have the licence nearby in order to provide a copy of the same if requested so to do by a conservation officer.

19. (1) The Council may suspend or revoke a licence at any time if it appears to the Council, that -

Suspension or revocation of a licence under this Part

- (a) any material particular on the application for the licence was false;
- (b) the licensee is convicted of any offence involving violence or the threat of violence; or
- (c) the licensee contravenes any condition or restriction of the licence, or any condition or restriction of any other licence or permit granted to him, whether or not the licensee is prosecuted or convicted of any offence in relation to such contravention.

(2) Section 24 of the Law shall apply to a suspension or revocation of a fish pot licence.

PART 5 - Granting of licence to catch turtles

20. (1) Only persons who are Caymanian and who -

Eligibility for grant of a licence to catch turtles

- (a) are over the age of eighteen; and

- (2013 Revision) (b) are in possession of a turtle licence granted under the Marine Conservation Law (2013 Revision) which is in force at the date of the commencement of the Law,

are eligible for the grant of a turtle licence under these Directives.

(2) A licence granted under this Part is for the catching of turtles which are to be consumed in the Islands only.

(3) In considering applications for licences under this Part the Council shall have regard to all the circumstances of the case, and in particular to whether the applicant -

- (2015 Revision) (a) has been convicted of any offence against the Law, the Animals Law (2015 Revision), the Marine Conservation Law (2013 Revision), any regulations or directives under those laws; or
(2013 Revision) (b) failed to comply with any term or condition of a permit or licence issued under the Law.

Conditions to be set out in licence

21. (1) The Council, when granting a turtle licence, shall in the licence -
- (a) permit the taking only of green turtles (*Chelonia mydas*) and loggerhead turtles (*Caretta caretta*) which are under twenty-four inches curved shell length and over sixteen inches curved shell length;
 - (b) permit no more than four turtles to be taken during the period of December to March inclusive and prohibit the taking of turtles during any other period;
 - (c) prohibit the taking of turtles by spear gun or by a net which is anchored or affixed to any object in any manner; and
 - (d) prohibit the taking of turtles from -
 - (i) the waters forming part of the area known as the West Bay Beach;
 - (ii) the waters forming part of the area known as the George Town harbour; and
 - (iii) any bay or sound inside the reef crest.
- (2) A turtle licence shall contain a picture of the licensee.
- (3) Upon granting a licence the Council shall also issue to the licensee tags to be used for the tagging of a turtle in accordance with these Directives.
- (4) A person who fraudulently imitates, alters, mutilates, destroys or uses, or fraudulently lends or allows to be used by any other person, a turtle licence or a tag issued under this directive commits an offence.

22. Every turtle licence issued by the Council is subject to the following conditions - General conditions of licence under this Part
- (a) subject to paragraph (b), a licence shall be for a period of one year and may be renewed in accordance with these Directives;
 - (b) at the commencement of these Directives, a licence shall be for a period of one year from the date of the expiry of the previous licence issued under the Marine Conservation Law (2013 Revision); (2013 Revision)
 - (c) the licence shall not be transferable;
 - (d) the licence may be revoked by the Council in accordance with directive 26; and
 - (e) when fishing, the licensee shall have the licence nearby in order to provide a copy of the same if requested so to do by a conservation officer.
23. Immediately after taking a turtle, a licensee shall attach to it one of the tags issued to such licensee by the Council, and any person, whether licensed or not, who has in his possession a turtle which is untagged in contravention of this directive commits an offence. Tagging of turtle
24. A licensee or other person who takes or disposes of a turtle before such turtle has been inspected by a conservation officer and before the conservation officer has checked and recorded the details of the licence under which the turtle has been taken, the weight and sex of such turtle, the area and date of capture of such turtle and the number of the tag upon such turtle commits an offence. Inspection of turtles
25. (1) A licensee who having lawfully taken or otherwise disposed of a turtle shall return the tag which was attached to the turtle to a conservation officer or other officer of the Department of Environment and a licensee who fails to do so commits an offence. Failure to return a tag
- (2) The Council shall not consider an application for the renewal of a turtle licence unless the application is accompanied by any unused tags issued to the licensee with his last licence.
26. (1) The Council may suspend or revoke a licence at any time if it appears to the Council that - Suspension or revocation of a licence under this Part
- (a) any material particular on the application for the licence was false;
 - (b) the licensee is convicted of any offence under the Law, any regulations or directives thereunder; or
 - (c) the licensee contravenes any condition or restriction of the licence, or any condition or restriction of any other licence or

permit granted to him, whether or not the licensee is prosecuted or convicted of any offence in relation to such contravention.

(2) Section 24 of the Law shall apply to a suspension or revocation of a turtle licence.

PART 6 - Granting of permit to cull lionfish

Eligibility for grant of any type of lionfish permit

27. (1) Only persons who are over the age of eighteen are eligible for the grant under this Part of any type of lionfish permit to cull lionfish.

(2) The application for a permit under this Part by a company or other body corporate shall be completed by the managing director, the secretary or another officer of the body concerned.

(3) A person who has a spear gun licence issued under these Directives is eligible to hold a lionfish spear permit or any other type of permit under this Part.

(4) In considering applications for permits under this Part the Council shall have regard to all the circumstances of the case, and in particular to whether the applicant -

(2015 Revision)
(2013 Revision)

- (a) has been convicted of any offence against the Law, the Animals Law (2015 Revision), the Marine Conservation Law (2013 Revision), any regulations or directives under those laws;
- (b) in the case of an individual, has been convicted of any offence involving violence or the threat of violence; or
- (c) failed to comply with any term or condition of a permit or licence issued under the Law.

Report to the Department on amount of lionfish culled, etc.

28. All culls of lionfish shall be reported to the Department by the permit holder and the report shall contain the following information -

- (a) the name of the person who carried out the cull;
- (b) the name of the company who carried out the cull, if applicable;
- (c) the date and time of the cull;
- (d) the location of the cull; and
- (e) the number of lionfish culled in each of the following size categories -
 - (i) small - less than six inches;
 - (ii) medium - six to twelve inches; and
 - (iii) large - more than twelve inches.

Types of lionfish permits

29. A permit may be issued to a natural person or to a company whose services include the culling of lionfish and there are four categories of permits under this Part which are as follows -

- (a) an individual lionfish culling permit;
- (b) an individual lionfish spear permit;
- (c) a corporate employees' lionfish spear permit; and
- (d) a corporate customers' lionfish spear permit.

30. The Council, when granting an individual lionfish culling permit, shall in the permit -

Conditions to be set out in individual lionfish culling permit

- (a) permit the taking of lionfish less than eight inches in fork length;
- (b) prohibit the feeding of lionfish to any other fish or any other kind of marine life;
- (c) require that lionfish be stored in a secured container after being caught;
- (d) require that all lionfish culled from Cayman waters be immediately killed and not returned to the waters;
- (e) prohibit the sale or any other type of distribution of live lionfish;
- (f) permit the taking of lionfish while using any kind of underwater breathing apparatus;
- (g) permit the holder to wear gloves while diving or snorkelling and being engaged in the taking of lionfish;
- (h) prohibit the taking of lionfish by spear guns; and
- (i) permit the taking of lionfish within protected areas except the following-
 - (i) an environmental zone;
 - (ii) a restricted marine area;
 - (iii) a designated grouper spawning area; or
 - (iv) a no-diving zone situated on the north coast of Grand Cayman.

31. Every individual lionfish culling permit issued by the Council is subject to the following conditions -

General conditions of individual lionfish culling permit

- (a) the permit shall be for a period of two years and may be renewed in accordance with the Law;
- (b) the permit is not transferable;
- (c) the permit may be suspended or revoked by the Council in accordance with directive 39; and
- (d) when taking lionfish, the permit holder shall have the permit nearby in order to provide a copy of the same if requested so to do by a conservation officer.

32. Only persons who are Caymanian or residents of the Islands are eligible to apply for the grant of an individual lionfish spear permit.

Eligibility for grant of an individual lionfish spear permit

33. (1) The Council, when granting an individual lionfish spear permit, shall in the permit set out the conditions listed in directive 30(a) to (g) and (i) and the

Conditions to be set out in an individual lionfish spear permit

condition that the holder is permitted to take lionfish by a lionfish spear provided to the holder by the Department.

(2) The Council shall also in the permit limit the number of lionfish spears that may be possessed under the licence to one.

(3) An individual lionfish spear permit shall contain a picture of the permit holder.

General conditions for individual lionfish spear permit

34. (1) Every individual lionfish spear permit issued by the Council is subject to the following conditions -

- (a) the permit shall be for a period of one year and may be renewed in accordance with the Law;
- (b) the permit shall not be transferable;
- (c) the permit may be suspended or revoked by the Council in accordance with directive 39;
- (d) the permit shall prohibit the permit holder from selling, lending or giving the lionfish spear gun to any other person;
- (e) when spear fishing, the licensee shall be required to have the licence nearby in order to provide a copy of the same if requested so to do by a conservation officer; and
- (f) the lionfish spear shall be stored in a secure place which does not include a vessel.

(2) The Council shall, upon granting an individual lionfish spear permit, direct the Department to issue a lionfish spear to the permit holder and the Department shall affix an identification tag to the spear gun of the permit holder.

(3) The lionfish spear issued by the Department under paragraph (2) shall remain the property of the Department.

(4) A person who fraudulently imitates, alters, mutilates, destroys or uses, or fraudulently lends or allows to be used by any other person, an individual lionfish spear gun permit commits an offence.

(5) A permit holder shall, if he loses the lionfish spear or the identification tag or if the lionfish spear or the tag issued to him are stolen, immediately report such loss to the Department.

Grant of a corporate employees' lionfish spear permit

35. (1) An application by a company for a corporate employees' lionfish spear permit shall be accompanied by a list of all employees of the company who will be engaged in culling lionfish.

(2) The Council, when granting a corporate employees' lionfish spear permit, shall in the permit -

- (a) permit the taking of lionfish by employees of the company who are over the age of eighteen and who hold lionfish culling permits;
- (b) permit, during dives for the culling of lionfish, the taking of such fish by employees of the company by lionfish spears;
- (c) permit the taking of lionfish less than eight inches in fork length;
- (d) prohibit the feeding of lionfish to any other fish or any other kind of marine life;
- (e) require that lionfish be stored in a secured container after being caught;
- (f) require that all lionfish taken from Cayman waters be immediately killed and not returned to the waters;
- (g) prohibit the sale or any other type of distribution of live lionfish; and
- (h) permit the taking of lionfish within protected areas except the following -
 - (i) an environmental zone;
 - (ii) a restricted marine area; or
 - (iii) a no-diving zone situated on the north coast of Grand Cayman.

36. (1) Every corporate employees' lionfish spear permit issued by the Council is subject to the following conditions -

General conditions of
corporate employees'
lionfish culling permit

- (a) the permit shall be for a period of two years and may be renewed in accordance with the Law;
- (b) the permit shall not be transferable;
- (c) the permit may be suspended or revoked by the Council in accordance with directive 39;
- (d) the company shall notify the Council when an employee who was listed on the application for a permit has left the company and such notification shall be given within seven days of the departure of the employee; and
- (e) the company shall apply to the Council for the permit to be extended to apply to employees who commenced work with the company after the date on which the permit was granted and who have individual lionfish culling permits.

(2) The Council shall, upon granting a corporate employees' lionfish spear permit, direct the Department to issue lionfish spears to the permit holder and the Department shall affix identification tags to each lionfish spear.

(3) The lionfish spear issued by the Council under paragraph (2) shall remain the property of the Department.

(4) Any person who fraudulently imitates, alters, mutilates, destroys or uses, or fraudulently lends or allows to be used by any other person who is not an employee of the company, a corporate employees' lionfish spear permit commits an offence.

(5) A permit holder shall, if an employee loses a lionfish spear or any of the tags or if any lionfish spear or the tags are stolen, immediately report such loss to the Department.

Grant of a corporate
customers' lionfish spear
permit

37. The Council, when granting a corporate customers' lionfish spear permit, shall in the permit -

- (a) permit the taking of lionfish by customers of the company who are over the age of eighteen and who hold lionfish culling permits;
- (b) permit, during dives for the culling of lionfish, the taking of such fish by customers of the company by lionfish spears;
- (c) permit the taking of lionfish less than eight inches in fork length;
- (d) prohibit the feeding of lionfish to any other fish or any other kind of marine life;
- (e) require that lionfish be stored in a secured container after being caught;
- (f) require that all lionfish taken from Cayman waters be immediately killed and not returned to the waters;
- (g) prohibit the sale or any other type of distribution of live lionfish; and
- (h) permit the taking of lionfish within protected areas except the following -
 - (i) an environmental zone;
 - (ii) a restricted marine area; or
 - (iii) a no-diving zone situated on the north coast of Grand Cayman.

General conditions for
corporate customers'
lionfish spear permit

38. (1) Every corporate customers' lionfish spear gun permit issued by the Council is subject to the following conditions -

- (a) the permit shall be for a period of two years and may be renewed in accordance with the Law;
- (b) the permit shall not be transferable;
- (c) the permit may be suspended or revoked by the Council in accordance with directive 39;

- (d) the permit shall prohibit the permit holder from selling, lending or giving the spear to any other person who is not a customer of the company; and
- (e) the lionfish spears shall be stored in a secure place which does not include a vessel.

(2) The Council shall, upon granting a corporate customers' lionfish spear permit, direct the Department to issue lionfish spears to the permit holder and the Department shall affix identification tags to each spear gun

(3) The lionfish spears issued by the Council under paragraph (2) shall remain the property of the Department.

(4) Any person who fraudulently imitates, alters, mutilates, destroys or uses, or fraudulently lends or allows to be used by any other person who is not a customer of the company, a corporate lionfish spear permit commits an offence.

(5) A permit holder shall, if any customer loses a lionfish spear or any of the tags or if any lionfish spear or the tags are stolen, immediately report such loss to the Department.

39. (1) The Council may suspend or revoke a permit under this Part if it appears to the Council that -

Suspension or
revocation of a permit
under this Part

- (a) any material particular on the application for the permit was false;
- (b) the permit holder is convicted of any offence under the Law, any regulations or directives thereunder; or
- (c) the permit holder contravenes any condition or restriction of the permit, or any condition or restriction of any other licence or permit granted to him, whether or not the permit holder is prosecuted or convicted of any offence in relation to such contravention.

(2) Section 24 of the Law shall apply to a suspension or revocation of a permit.

PART 7 – Tourist vessel licences in wildlife interaction zones

40. In this Part -

Wildlife interaction
zones and sandbar area

- (a) the areas described in Schedule 1 are designated as wildlife interaction zones; and
- (b) the area described in Schedule 2 is designated as the Sandbar Area of the Sandbar Wildlife Interaction Zone.

Tourist vessels to be licensed	41. The owner of a vessel shall not permit the vessel to be used as a tourist vessel for the carriage of passengers to or from a wildlife interaction zone unless a permit is in force under this Part in respect of the vessel.
Application for, and grant of, permit	42. (1) A person who has attained the age of eighteen years, or a company or other body corporate, may apply to the Council for a permit under this Part in respect of a vessel owned by the person or body. (2) The application form for a company or other body corporate shall be completed by the managing director or the secretary or another officer of the body concerned. (3) In considering applications for a permit under this Part the Council shall have regard to all the circumstances of the case, and in particular to whether the applicant - (a) has been convicted of any offence against the Law, the Animals Law (2015 Revision), the Marine Conservation Law (2013 Revision) or any regulations under those laws; or (b) failed to comply with any term or condition of a permit or licence issued under the Law. (4) An application shall be made to the Council by completing a form made available by the Council and shall be accompanied by in addition to the prescribed application fee - (a) a valid trade and business licence which relates to the business of the applicant; and (b) a valid port authority registration and inspection certificate.
Conditions of permit	43. Every permit issued by the Council under this Part is subject to the following conditions - (a) the permit shall be for a period of one year and may be renewed in accordance with the Law; (b) the tourist vessel must have displayed in a prominent position on two sides of the vessel a permit sticker issued with the permit which shows the relevant permit number; (c) an operator of a tourist vessel with a marine head installed on the vessel shall maintain on the tourist vessel an operational holding tank and shall not permit any marine head installed on the vessel to discharge directly into the waters of any wildlife interaction zone; (d) a tourist vessel shall, when carrying tourists, be operated only by a person employed by the company to whom the permit for the tourist vessel was issued;

- (e) the number of passengers that may be carried generally, or that may be carried to any specified part of a wildlife interaction zone shall not exceed one hundred;
- (f) a tourist vessel shall not enter the Sandbar Area of the Sandbar Wildlife Interaction Zone if twenty tourist vessels are occupying that zone;
- (g) a tourist vessel shall not carry paying passengers into the Sandbar Area of the Sandbar Wildlife Interaction Zone after 2 p.m. on Saturday and Sunday or after 3 p.m. on a public general holiday;
- (h) notwithstanding the capacity of a tourist vessel, a tourist vessel shall not carry more than one hundred passengers on each trip into the Sandbar Area of the Sandbar Wildlife Interaction Zone;
- (i) an operator of a tourist vessel shall not discharge passengers into the Sandbar Area of the Sandbar Wildlife Interaction Zone if there are more than one thousand five hundred persons present at the Sandbar Wildlife Interaction Zone; and
- (j) a tourist vessel shall not remain at the Sandbar Area of the Sandbar Wildlife Interaction Zone for more than one hour on each visit.

44. (1) The Council may suspend or revoke a permit under this Part if it appears to the Council that -

Suspension or
revocation of a permit
under this Part

- (a) any material particular on the application for the permit was false;
- (b) the permit holder is convicted of any offence under the Law, any regulations or directives thereunder; or
- (c) the permit holder contravenes any condition or restriction of the permit, or any condition or restriction of any other licence or permit granted to him, whether or not the permit holder is prosecuted or convicted of any offence in relation to such contravention.

(2) Section 24 of the Law shall apply to a suspension or revocation of a permit.

45. (1) The operator of a tourist vessel shall take all reasonable steps to ensure compliance with -

Liability for offences

- (a) the conditions of any permit in force under this Part in respect of the vessel, while it is being used for purposes authorised by the permit; and
- (b) the Law, these Directives and Marine Conservation (Marine Parks) Regulations (2013 Revision), insofar as they pertain to the vessel or the conduct of passengers aboard or boarding or debarking therefrom.

(2013 Revision)

(2) Nothing in this directive limits or affects the liability of any other person in respect of a contravention of these Directives.

**PART 8 - Tourist Vessels in the Bloody Bay-Jackson Point Marine Park,
Little Cayman**

Definitions in this Part

46. In this Part -

“dive-master” means a person who has attained certification as a divemaster from an internationally recognised dive-training organisation;

“live-aboard vessel” means a tourist vessel equipped with berths and cooking and sanitary facilities and used for the overnight accommodation of passengers;

“Park” means the Bloody Bay-Jackson Point Marine Park, Little Cayman, described in Schedule 3; and

“watersports operator” means a person holding a current trade and business licence issued under section 4 of the Trade and Business Licensing Law, 2014 for the trade or business of watersports or water-related recreational activities however so described in the licence.

Application for permit
for tourist vessel

47. (1) A person who -

- (a) is a watersport operator over the age of eighteen years;
and
- (b) does not employ on a tourist vessel operated by him any person who has been convicted within a period of two years immediately preceding the date of the application for a permit, of any offence under the Law or the Marine Conservation Law (2013 Revision) or any regulations or directives under those laws,

(2013 Revision)

may apply to the Council for a permit under this Part to operate a tourist vessel in the Park.

(2) In considering applications for a permit under this Part the Council shall have regard to all the circumstances of the case, and in particular to whether the applicant -

(2015 Revision)

(2013 Revision)

- (a) has been convicted of any offence against the Law, the Animals Law (2015 Revision), the Marine Conservation Law (2013 Revision) or any regulations or directives under those laws; or
- (b) failed to comply with any term or condition of a permit or licence issued under the Law.

48. The Council may grant a permit under this Part and such permit shall be subject to the following conditions -

Permit conditions

- (a) no tourist vessel exceeding one hundred and ten feet in overall length shall enter the Park or be used to discharge divers or snorkellers in the Park;
- (b) a permit holder shall not permit -
 - (i) a total of more than four tourist vessels from its operation to discharge divers or snorkellers in the Park during any one day; or
 - (ii) a total of more than fourteen tourist vessels from its operation to discharge divers or snorkellers in the Park in any week;
- (c) a permit holder shall not permit any of its tourist vessels to enter the Park unless there are fewer than fourteen tourist vessels in the Park at the time; and permit holders shall liaise between themselves to agree a schedule and ensure that this limit is not exceeded;
- (d) the maximum number of divers and snorkellers on any one tourist vessel shall be twenty;
- (e) a tourist vessel shall not anchor in the Park;
- (f) tourist vessels other than live-aboard vessels shall not use any of the moorings in the Park for a continuous period exceeding two hours and shall not return to the same mooring within one hour of leaving;
- (g) live-aboard vessels shall not use any of the moorings in the Park for a continuous period exceeding four hours, between 8 a.m. and 5 p.m. on any one day and shall not return to the same mooring within two hours of leaving;
- (h) there shall be a divemaster on board every tourist vessel who shall ensure that every diver and snorkeller is aware of the provisions of the Law before that person enters the waters of the Park; and
- (i) every permit holder shall keep a weekly log of all trips to the Park specifying the date, the vessel, the number of divers and snorkellers and the times spent at each site visited; and a copy of the log shall be delivered to the Department within seven days of the end of the month to which the log relates.

49. (1) The Council may suspend or revoke a permit under this Part if it appears to the Council that -

Suspension or
revocation of a permit
under this Part

- (a) any material particular on the application for the permit was false;

- (b) the permit holder is convicted of any offence under the Law, any regulations or directives thereunder; or
- (c) the permit holder contravenes any condition or restriction of the permit, or any condition or restriction of any other licence or permit granted to him, whether or not the permit holder is prosecuted or convicted of any offence in relation to such contravention.

(2) Section 24 of the Law shall apply to a suspension or revocation of a permit.

Penalty

50. Whoever enters the Park with a tourist vessel without a permit commits an offence and is liable on summary conviction to a fine of five hundred-thousand dollars and to imprisonment for six months or to both.

PART 9 – General

Repeal

51. The Marine Conservation Directives (2003 Revision) are repealed.

(2003 Revision)

SCHEDULE 1

(Directive 40(a))

Wildlife Interaction Zones

Sandbar Wildlife Interaction Zone

The area in North Sound situate at a point starting on the reef at 19°22'53.28"N 81°19'06.02"W at the twenty foot depth contour and then due south for approximately 6,352 feet to reach a point 19°21'50.28"N 81°19'05.89"W and then due east for approximately 11,231 feet to reach a point 19°21'50.46"N 81°17'09.7"W and then due north for approximately 5,278 feet to reach a point on the reef 19°22'42.5"N 81°17'08.79"W and then in a generally northwesterly direction along the twenty foot depth contour for a distance of approximately 11,273 feet to reach the starting point. All coordinate values are given in geographic latitude/longitude. WGS84 datum.

Stingray City Wildlife Interaction Zone

The area in North Sound situate at a point starting on the reef at 19°23'18.43"N 81°20'45"W at the twenty foot depth contour and then in a southwesterly direction for approximately 1,780 feet to reach a point 19°23'06.34"N 81°20'58.58"W and then in a southeasterly direction for approximately 2,253 feet to reach a point 19°22'50.2"N 81°20'42.26"W and then in a northeasterly direction for approximately 1,909 feet to reach a point on the reef 19°23'03.89"N 81°20'28.69"W and then in a generally northwesterly direction along the twenty foot depth contour for a distance of approximately 2,140 feet to reach the starting

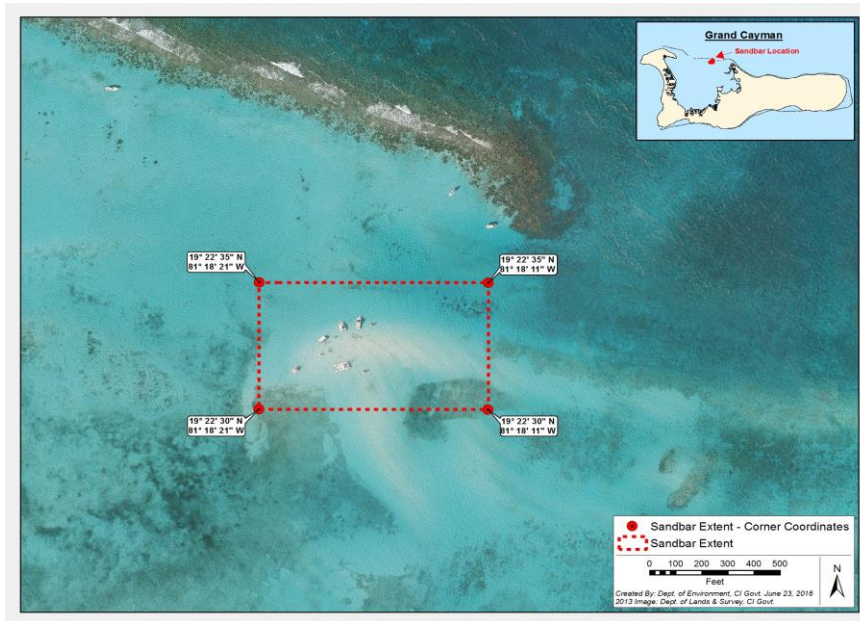
point. All coordinate values are given in geographic latitude/longitude. WGS84 datum.

SCHEDULE 2

Sandbar Area of the Sandbar Wildlife Interaction Zone

(Directive 40(b))

Starting at a point approximately 245 feet south west of the fringing reef approximate longitude 81° 18' 11" west, approximate latitude 19° 22' 35" north. Then due south for a distance of approximately 525 feet to reach a point approximate longitude 81° 18' 11" west, approximate latitude 19° 22' 30" north. Then due west for a distance of approximately 875 feet to reach a point approximate longitude 81° 18' 21" west, approximate latitude 19° 22' 30" north. Then due north for a distance of approximately 525 feet to reach a point approximate longitude 81° 18' 21" west, approximate latitude 19° 22' 35" north. Then due east to reach the starting point.



SCHEDULE 3

Bloody Bay-Jackson Point Marine Park, Little Cayman

(Directive 46)

Bloody Bay - Jackson Point Starting on the coast at Spot Bay Block No.77A, Parcel No.6 approximate longitude 80°05'04" west approximate latitude

19°40'31" north, then in a north westerly direction for a distance of approximately 900 feet to reach the drop-off approximate longitude 80°05'45" west, approximate latitude 19°40'38" north. Then along the drop-off in a generally north easterly direction for a distance of approximately 14,800 feet to reach approximate longitude 80°03'41" west, approximate latitude 19°42'05" north. Then in a south easterly direction for a distance of approximately 2,050 feet to reach the coast at Lower Spots, Block No. 82A, Parcel No.12, approximate longitude 80°03'38" west, approximate latitude 19°41'45" north. Then along the coast in a generally south westerly direction to reach the starting point.

Made by the Council this 11th day of August, 2016.

Christine Rose-Smyth

Chairman.