

CAYMAN ISLANDS



Endangered Species Protection and Propagation Law

**SPECIES BRED IN CAPTIVITY OR
ARTIFICIALLY PROPAGATED
REGULATIONS**

(1998 Revision)

Supplement No. 2 published with Gazette No. 20 of 28th September, 1998.

PUBLISHING DETAILS

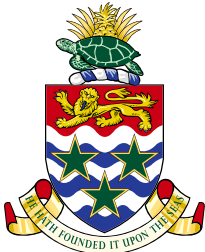
Revised under the authority of the Law Revision Law (19 of 1975).

Originally entitled the Species Bred in Captivity or Artificially Propagated Regulations, 1982 and made the 8th December, 1982.

Revised this 30th day of June, 1998.



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SPECIES BRED IN CAPTIVITY OR ARTIFICIALLY PROPAGATED REGULATIONS

(1998 Revision)

Citation

1. These regulations may be cited as the Species Bred in Captivity or Artificially Propagated Regulations (*1998 Revision*).

Definitions and interpretation

2. (1) In these regulations —

“**artificially propagated**” refers only to plants grown by man from seeds, cuttings, callus tissue, spores or other propagules under controlled conditions which must be plants which are established and maintained in a manner not detrimental to the survival of the species in the wild, and are managed in a manner designed to maintain the artificially propagated stock indefinitely;

“**bred in captivity**” refers only to offspring, including eggs, born or otherwise produced in a controlled environment, either of parents that mated or otherwise transferred gametes in a controlled environment if reproduction is sexual, or of parents that were in a controlled environment when development of the offspring began, if reproduction is asexual, and the parental breeding stock must be to the satisfaction of the Management Authority;

“**certificate**” means the certificate referred to in subparagraph 5 of Article VIII of the Convention;

“**Conf. 2.12**” means the interpretative resolution of the Conference of the Parties to the Convention dealing with specimens bred in captivity or

artificially propagated which was passed at their Second Meeting held in Costa Rica 19 to 30 March, 1979;

“**controlled conditions**” means, in respect of plants, under an environment that is intensively manipulated by man for the purpose of producing selected species, and includes tillage, fertilisation, weed control, irrigation, and nursery operations such as potting, bedding or protection from weather;

“**Convention**” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora made in Washington, D.C. in 1973;

“**gazetted specimen**” means a specimen for which a notice has been published in the Gazette under regulation 6(3);

“**licence**” means a licence issued by the Governor under section 4 to allow export from or import into the Islands of any live or dead animal or plant listed in the Schedule to the Law;

“**local sale**” means a sale, including delivery thereof, of any gazetted specimen effected completely within the Islands;

“**Management Authority**” means the Management Authority for the Islands designated by the Government of the United Kingdom under subparagraph (a) of paragraph 1 of Article IX of the Convention;

“**Permit**” means a permit for import, export or re-export issued in accordance with Article III, IV or V of the Convention; and

“**specimen**” means any animal or plant, whether alive or dead, and any derivative or readily recognisable part thereof.

- (2) For the purposes of these regulations, the term “second-generation offspring” encompasses the captive-bred offspring of a parent conceived in the wild and born or hatched in captivity.

Application for import or export licence

3. All applications for an import or export licence shall be made in accordance with these regulations.

Form of application for licence

4. (1) Application for an import licence shall be by letter addressed to the Governor setting forth all particulars needed to grant a licence as shall have been stipulated for a particular species by Notice made by the Governor and published in the Gazette and attaching such documentation as may be required.
- (2) Application for an export licence shall be by letter addressed to the Governor setting forth all particulars needed to grant such a licence as shall have been stipulated for a particular species by Notice made by the Governor and published in the Gazette and attaching such documentation as may be required.



Recommendation

5. (1) In accordance with section 5, upon receipt of an application for an import or export licence under section 4, the Governor shall seek the recommendation of the Chief Agricultural and Veterinary Officer.
- (2) After appropriate consideration, the Chief Agricultural and Veterinary Officer shall offer to the Governor whatever recommendations he may have concerning the application.

Procedure for captive-bred certification

6. (1) Prior to or after making application for an export licence in accordance with regulation 4(2), the applicant may seek certification that, within the meaning of the Convention, the relevant species of animal is being bred in captivity or the relevant species of plant is being artificially propagated.
- (2) Application for such certification with respect to activities conducted within the Islands shall be in the form of a letter addressed to the Management Authority setting forth such particulars needed to grant such certification as shall have been stipulated for a particular species by Notice made by the Governor and published in the Gazette and attaching such documentation as may be required.
- (3) When the Management Authority determines in favour of granting such certification, it shall cause a notice to that effect to be published in the Gazette.

Effect of captive-bred certification

7. Notice of such certification published in the Gazette shall indicate that the applicant has complied with all requirements of the Convention to obtain an export licence.

Procedure for issuing certificate

8. (1) After such notice of certification has been published in the Gazette the applicant for or current holder of an export licence may apply to the Management Authority for a certificate.
- (2) After the requisite export licence has been granted and so long as the licence remains in effect and the Management Authority continues to be satisfied that within the meaning of the Convention the specimen of an animal to be exported is derived from a species bred in captivity or the specimen of a plant to be exported is derived from a species artificially propagated, then the Management Authority shall issue a certificate to that effect in the form annexed to these regulations.

Effect of certificate

9. Where the Management Authority has issued a certificate to the effect that any specimens which are the subject of an export licence derive from a species which was bred in captivity or artificially propagated within the meaning of the Convention —

- (a) such specimens, if derived from a species listed in Appendix I of the Convention, shall be deemed to be specimens of species included in Appendix II of the Convention;
- (b) when issued by the Management Authority, such a certificate shall be deemed to satisfy paragraph 5 of Article VII of the Convention; and
- (c) such certificate shall be issued and accepted in lieu of any of the permits or certificates required under Article III, IV or V of the Convention:

Provided specimens of animal species in Appendix I bred in captivity for commercial purposes or plant species in Appendix I artificially propagated for commercial purposes shall not be exempted from the provisions of Article IV by the granting of certificates to the effect that they were bred in captivity or artificially propagated.

Prima facie validity of permit or certificate

10. Any permit or certificate issued under these regulations shall be deemed valid and given full effect when complete in all requisite particulars and *prima facie* in order and correct.

Duration of licences, permits and certificates

11. (1) In accordance with section 5, the maximum duration of an import or export licence shall be one year from the date of issue.
- (2) In accordance with paragraph 2 of Article VI of the Convention, an export permit issued with reference to the Convention may only be used for export within a period of six months from the date on which it was granted.
- (3) A certificate issued under regulation 8 may also only be used for export within a period of six months from the date on which it was issued.

Other matters relating to permits and certificates

12. (1) Any current holder of an export licence respecting a specimen for which a certificate cannot be issued shall, upon request to the Management Authority, be issued an export permit without such certification in the Form in the Schedule hereto.
- (2) Each permit or certificate shall contain the title of the Law and of the Convention, the name and identifying stamp of the Management Authority and a control number assigned by the Management Authority.



- (3) Any copies of a permit or certificate issued by the Management Authority shall be clearly marked as copies only and no such copy may be used in the place of the original except to the extent endorsed thereon.
- (4) A separate permit or certificate shall be required for each consignment of specimens.

Local sales

- 13.** (1) Subject to any other law or regulation, any local sale shall be deemed to be the subject of an export licence, and the purchaser shall be entitled to a certificate in the manner hereinafter provided upon demand.
- (2) The purchaser in a local sale may request the seller to provide a certificate relating to the items purchased.
- (3) When a certificate is so requested, the seller shall provide the certificate to accompany the sale items or else shall advise the purchaser that the certificate may be obtained from the Management Authority, in the latter case indicating the procedure and the office to contact in order to obtain the certificate.

Local sales outlets

- 14.** (1) The Management Authority may, upon a written application having been made to it and after having inspected the proposed outlet and the credentials of the applicants, designate the name and location of one or more outlets in the Islands, and so indicate by publication in the Gazette, for the purposes of providing the certificate to accompany a local sale.
- (2) When so gazetted, upon satisfying the Management Authority that it is offering any gazetted specimen for local sale and upon payment of any government fee which may be required, the designated outlet shall be issued a certificate with two copies marked as copies for each gazetted specimen requested by the outlet.
- (3) A designated outlet shall —
- (a) enter on the relevant permit/certificate, under “consignee”, the name, address and country of the purchaser in a local sale, plus any other requisite particulars;
 - (b) keep a complete and accurate record of all local sales for which a permit/certificate has been provided, including one copy of the completed certificate for the records of the designated outlet;
 - (c) promptly return to the Management Authority, after the requisite particulars have been entered on it, one copy of any permit/certificate provided to a purchaser in a local sale;
 - (d) follow any instructions or requests which may be given or made by the Management Authority; and

- (e) prominently post and keep posted a notice at the designated outlet location stating —

“Purchasers of (name or description of species) products are hereby advised that a permit/certificate issued by the Ministry of Agriculture, Environment, Communications and Works of the Cayman Islands Government is required for import into the United States of America and other countries. When requested by the purchaser, local sellers are required to provide the necessary permit/certificate or to advise the purchaser where and how to obtain it.”.

- (4) If the Management Authority considers that the designated outlet has failed or is failing in its duty in any respect as set forth in subregulation 3, then it may, by publication in the Gazette, revoke the designation of such outlet.
- (5) Upon such revocation, the previously designated outlet shall forthwith return to the Management Authority all permit/certificate forms issued to it and not provided to purchasers in a local sale.

Savings

- 15.** (1) Except as provided in subregulation (2), nothing in these regulations shall affect any licence, permit or certificate issued with expressed or implied reference to paragraph 5 of Article VII of the Convention if so issued before the 8th December, 1982.
- (2) Any licence or certificate referred to in subregulation (2) shall be deemed valid and effective for the purposes of the Law, the Convention and these regulations.
- (3) Any export permit or certificate issued prior to the 8th December, 1982 shall be deemed to have been issued pursuant to a validly issued export licence.



12. Country in which the specimens were taken from the wild, bred in captivity or artificially propagated: CAYMAN ISLANDS, BRITISH WEST INDIES

13. This permit is issued by:.....

Official stamp and title

.....
Signature

.....
Date

.....
Place

14. Export/re-export endorsement:.....

(See paragraph 7 of instructions).....Quantity.....

15. Bill of Lading/Air Way-bill Number:.....

.....
Port of exportation Date Signature Official stamp and title

16. This certificate is issued by the Management Authority for the Cayman Islands for the purpose of certifying that the specimen(s) or product(s) described herein are derived from species bred in captivity or artificially propagated in the Cayman Islands within the meaning of paragraphs 4 and 5 of Article VII of the Convention and it is hereby so certified.

.....
Place Date Signature Official stamp and title



Instructions

(These correspond to paragraph numbers of the **permit/certificate**).

1. The export or re-export number, etc., shall be checked in accordance with Article III, paragraph 4 and Article IV, paragraph 5 of the Convention. The original number is a unique number issued to each permit/certificate by the national Management Authority.
2. The date of expiration of the permit/certificate is not to exceed six months from the issuing date.
3. Name and address of person, persons or company receiving shipment in country of destination. *The country name shall be stated.*
4. Name and address of person, persons or company which has/have been granted a permit/certificate. *The country name shall be mentioned.*
5. Special conditions may refer to national legislation or special conditions placed on the shipment by the exporting/re-exporting country.
6. Space for printed national seal or stamp of the Management Authority of the country issuing it the permit, and its name, address, etc.
- 7.&8. The common name of the animal or plant as known in the country issuing the permit, and the scientific name (Latin name) of the animal or plant, as it appears in the Convention appendices, shall be used. The binomial (two names, genus and species) nomenclature shall be used whenever possible.
9. Description of the specific items entering trade, such as live animals, raw ivory, worked ivory, wallets, shoes, etc., shall be entered here. Where possible, identifying marks and numbers, such as tags for furs and hides or brand/photographs for live animals shall be noted. Sex and age of live specimens should be noted when possible.
10. The number of the Convention Appendix (I, II or III) on which the species is listed should be entered here. "Source" refers to where the animal or plant was obtained. If the animal or plant was obtained from a wild uncontrolled environment, a W(wild) shall be entered. If the animal was bred in captivity, a C (captive bred) shall be entered. If the plant was artificially propagated, an A (artificially propagated) shall be entered. If the animal or plant was obtained from a situation which does not fit the above categories, an O (other) are to be entered. The symbol C or A does not serve as certification of bred in captivity or artificially propagated. Separate certification under paragraph 16 should be issued to qualify for an Article VII exemption.
11. Quantity is to be filled out to represent, when possible, the actual number of animals or plants in trade. When it is not possible to identify actual numbers of animals or plants, a weight measurement is to be used. Quantity should not refer to number of boxes, bales or other general category.



12. The country of origin is that country in which the specimens were taken from the wild, bred in captivity or artificially propagated. In the case of re-export, the original number(s) from the permit(s)/certificate(s) from the country of origin, which should have accompanied the specimens when they were imported, is to be noted in the block(s) for "Permit/Certificate No.". This paragraph is to be completed by indicating the country of origin except in specific cases which must be justified. The justification for omitting the country of origin is to be stated in paragraph 5.
13. To be completed by the official who authorised the permit/certificate.
14. To be completed by the official who inspects the shipment upon exportation/re-exportation. The actual quantities of specimens exported/re-exported are to be marked in the block provided for this information.
15. Bill of lading or air way-bill are to be entered as appropriate.
16. This certificate is issued to qualify the shipment for an Article VII exemption.

**Publication in revised form authorised by the Governor in Council this 30th day of
June, 1998.**

Carmena H. Parsons
Clerk of Executive Council

