

CAYMAN ISLANDS



National Conservation Act

(Law 24 of 2013)

NATIONAL CONSERVATION COUNCIL (LICENCE AND PERMIT) DIRECTIVES

(2022 Revision)

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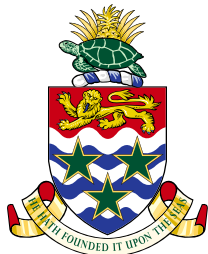
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NATIONAL CONSERVATION COUNCIL
(LICENCE AND PERMIT) DIRECTIVES
(2022 Revision)

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NATIONAL CONSERVATION COUNCIL (LICENCE AND PERMIT) DIRECTIVES (2022 Revision)

PART 1 - INTRODUCTORY

Citation

1. These Directives may be cited as the *National Conservation Council (Licence and Permit) Directives (2022 Revision)*.

Definitions

2. In these Directives —

“**Caymanian**” means a person who possesses Caymanian status under the **repealed** *Immigration Act (2015 Revision)* or any earlier law providing for the same or similar rights, and includes a person who acquired that status under Part 5 of the *Immigration (Transition) Act (2022 Revision)*;

“**company**” means a company incorporated in the Islands by virtue of the *Companies Act (2022 Revision)* and also a foreign company registered under that law;

“**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);

“**Law**” means the *National Conservation Act, 2013 [Law 24 of 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.

Number of spear gun licences to be issued

- 5A. The Council may issue no more than one hundred and seventy licences annually.



Application period for spear gun licence

- 5B.** (1) An application for a spear gun licence under this Part shall be made to the Council during the period beginning 1st June and ending on 31st August annually.
- (2) Notwithstanding paragraph (1), the Council may vary the application period.
- (3) Where the Council varies the application period under paragraph (1), the application period shall be no less than ninety days.

Eligibility for grant of a spear gun licence

- 6.** (1) Only persons who are —
- (a) Caymanian; and
 - (b) over the age of eighteen,
- 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 —
- (aa) is an active Police Officer, active permanent Department of Environment staff, active temporary Department of Environment staff, volunteer or intern, past Department of Environment staff known to the Department to still be of good character, active Conservation Warden: or if not
 - (a) has been convicted of any offence against the Law, the *Animals Act (2015 Revision)*, the **repealed** *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.

Spear gun licence: conditions

- 7.** (1) The Council, when granting a spear gun licence, in the licence —
- (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 who does not possess a valid spear gun licence;
 - (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 tag commits an offence.
 - (5) Possession of more than one spear gun by a licensee is an offence under the Law.

Renewal of a spear gun licence

- 7A.** (1) An application for the renewal of a spear gun licence shall be made to the Council within the application period under directive 5B(1).
- (2) Notwithstanding directive 8(a), where a person fails to apply for a renewal of a spear gun licence within the application period under directive 5B(1), the spear gun licence shall expire one month from the date on which the application period under directive 5B(1) ends.

General conditions of licence under this Part

- 8.** Every licence issued by the Council under this Part is subject to the following conditions —
 - (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 that licensee, 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.

Surrender of a spear gun

- 9A.** (1) A licensee may surrender to the Council, the spear gun which bears an identification tag in the name of the licensee that has been affixed under directive 7(2).
- (2) The spear gun licence of a licensee under paragraph (1) expires upon the surrender of the spear gun to the Council.

Surrender and replacement of a spear gun

- 9B.** (1) A licensee may replace the spear gun which bears an identification tag in the name of the licensee that has been affixed under directive 7(2) with another spear gun by surrendering to the Council, the spear gun which bears the identification tag.
- (2) The Council shall, on receipt of the spear gun surrendered under paragraph (1) —
- (a) amend the licensee's spear gun licence by removing the particulars concerning the spear gun surrendered under paragraph (1), including the picture of the spear gun; and
 - (b) allow the licensee to maintain the licensee's spear gun licence as if the licensee had a spear gun, until such time as the licensee registers another spear gun with the Council, provided that all other requirements of the spear gun licence under Part 2 continue to be met.

Transfer of a spear gun

- 9C.** (1) A licensee under directive 7(2) ("transferor") may transfer to another licensee ("transferee"), a spear gun for which an identification tag has been issued in the name of the licensee under directive 7(2).
- (2) A transferor shall notify the Council in writing within one week of the transfer of the name and spear gun licence number of the transferee and the date of the transfer.



- (3) The Council shall, on receipt of notice of the transfer of the spear gun —
 - (a) amend the transferor's spear gun licence by removing the particulars concerning the spear gun transferred under paragraph (1), including the picture of the spear gun; and
 - (b) allow the transferor to maintain the transferor's spear gun licence as if the transferor had a spear gun, until such time as the transferor registers another spear gun with the Council.
- (4) Where the transferee holds a licence in accordance with directive 9B(2)(b), the transferee shall —
 - (a) apply to the Council for an amendment of the transferee's spear gun licence in respect of the transferred spear gun; and
 - (b) pay the prescribed fee.
- (5) On receipt of an application under paragraph (4) —
 - (a) the Council shall either —
 - (i) remove the identification tag affixed to the spear gun surrendered under paragraph (3) and affix a new identification tag to the spear gun in the name of the transferee; or
 - (ii) transfer the tag number to the transferee's licence; and
 - (b) the Council shall issue a spear gun licence with the particulars of the transferred spear gun to the transferee, in accordance with directive 7.

Importation of a spear gun

- 9D.** (1) A licensee who has surrendered a spear gun under directive 9B(1) and holds a valid spear gun licence maintained under directive 9B(2)(b) may import a spear gun.
- (2) A licensee who wishes to import a spear gun shall complete and submit to the Director of the Department or a designee of the Director, the Spear Gun Import form set out in Schedule 4 for the endorsement of the Department.
 - (3) The Director of the Department or a designee of the Director shall, on receipt of the prescribed form under paragraph (2), consider whether to endorse the Spear Gun Import form and either —
 - (a) refuse to endorse the Spear Gun Import form and notify the licensee accordingly, giving reasons for the decision; or
 - (b) endorse the Spear Gun Import form and return the form to the licensee.
 - (4) A licensee shall, at the time of the import of the spear gun, submit to the Director of Customs and Border Control, the Spear Gun Import form endorsed under paragraph (3)(b), for the endorsement of the Director of Customs and Border Control.



- (5) The Director of Customs and Border Control shall, on receipt of the prescribed form under paragraph (4), consider whether to endorse the Spear Gun Import form and either —
 - (a) refuse to endorse the Spear Gun Import form and notify the licensee accordingly, giving reasons for their decision; or
 - (b) endorse the Spear Gun Import form and return the endorsed form to the licensee.
- (6) A licensee who imports a spear gun under directive 9D(2) shall —
 - (a) present to the Council for licensing —
 - (i) the Spear Gun Import form endorsed by —
 - (A) the Director of the Department or a designee of the Director in accordance with paragraph (3)(b); and
 - (B) the Director of Customs and Border Control in accordance with paragraph (5)(b); and
 - (ii) the imported spear gun; and
 - (b) pay the prescribed fee,
within one week from the date on which the Spear Gun Import form is endorsed and received by the licensee under paragraph (5)(b).
- (7) The Council shall, on receipt of the prescribed form, the imported spear gun and the prescribed fee under paragraph (6) consider whether to issue a spear gun licence and either —
 - (a) refuse to issue the spear gun licence and notify the licensee accordingly, giving reasons for its decision; or
 - (b) issue to the licensee a spear gun licence with the particulars of the imported spear gun and affix a tag to the spear gun.
- (8) The Council shall not issue a spear gun licence to a licensee who fails to present to the Council, a Spear Gun Import form which is endorsed by —
 - (a) the Director or a designee of the Director; and
 - (b) the Director of Customs and Border Control.

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 —
- (a) has been convicted of any offence against the Law, the *Animals Act (2015 Revision)*, the **repealed** *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 that seine net licensee.

Seine net licence conditions

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*); and
 - (c) prohibit the taking of any Part 1 listed species,
- that may be taken with the net 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 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.
- (5) The Council may, when granting a seine net licence, limit in the licence 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 of the respective day.

General conditions of licence under this Part

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



- (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.

Suspension or revocation of a licence under this Part

- 14.** (1) The Council may suspend or revoke a licence at any time 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; 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 that licensee, 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 —
- (aa) is an active Police Officer, active permanent Department of Environment staff, active temporary Department of Environment staff, volunteer or intern, past Department of Environment staff known to the Department to still be of good character, active Conservation Warden: or if not
 - (a) has been convicted of any offence against the Law, the *Animals Act(2015 Revision)*, the **repealed** *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.

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's waters; and
 - (c) prohibit the taking of any Part 1 listed species.
- (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.
- (5) The Council may, when granting a fish pot licence, limit in the licence, the number and species of bony fish (*Teleostei*) that may be taken with the pot in any one period of twenty-four hours beginning at midnight of the respective day.

General conditions of a licence under this Part

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

- (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.

Suspension or revocation of a licence under this Part

- 19.** (1) The Council may suspend or revoke a licence at any time 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 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 that licensee, 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

Eligibility for grant of a licence to catch turtles

- 20.** (1) Only persons who are Caymanian and who —
- (a) are over the age of eighteen; and
 - (b) are in possession of a turtle licence granted under the **repealed** *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 —
- (aa) is an active Police Officer, active permanent Department of Environment staff, active temporary Department of Environment staff, volunteer or intern, past Department of Environment staff known to the Department to still be of good character, active Conservation Warden: or if not

- (a) has been convicted of any offence against the Law, the *Animals Act (2015 Revision)*, the **repealed** *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.

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.

General conditions of licence under this Part

22. Every turtle licence issued by the Council is subject to the following conditions —
- (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 **repealed** *Marine Conservation Law (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.

Tagging of turtle

- 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 that person's possession a turtle which is untagged in contravention of this directive commits an offence.

Inspection of turtles

- 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.

Failure to return a tag

- 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.
- (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 that licensee's last licence.

Suspension or revocation of a licence under this Part

- 26.** (1) The Council may suspend or revoke a licence at any time 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; 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 that licensee, 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 —
- (a) has been convicted of any offence against the Law, the *Animals Act (2015 Revision)*, the **repealed** *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.

Conditions to be set out in individual lionfish culling permit

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

General conditions of individual lionfish culling permit

31. Every individual lionfish culling 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 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.

Eligibility for grant of an individual lionfish spear permit

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

Conditions to be set out in 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 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 that permit holder loses the lionfish spear or the identification tag or if the lionfish spear or the tag issued to that permit holder 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.

General conditions of corporate employees' lionfish culling permit

- 36.** (1) Every corporate employees' lionfish spear 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 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 an 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.

Suspension or revocation of a permit under this Part

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

Wildlife interaction zones and sandbar area

- 40.** In this Part —

- (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 Act (2015 Revision)*, the **repealed** *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.

Suspension or revocation of a permit under this Part

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

Liability for offences

- 45.** (1) The operator of a tourist vessel shall take all reasonable steps to ensure compliance with —
- (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 the *National Conservation (Marine Parks) Regulations, 2021 [SL 19 of 2021]*, insofar as they pertain to the vessel or the conduct of passengers aboard or boarding or debarking therefrom.
- (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 5 of the *Trade and Business Licensing Act (2021 Revision)* 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 that person 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 *National Conservation Act, 2013 [Law 24 of 2013]* or any regulations or directives under those laws,

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 —



- (a) has been convicted of any offence against the Law, the *Animals Act (2015 Revision)*, the **repealed** *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.

Permit conditions

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

Suspension or revocation of a permit under this Part

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

Transitional

52. (1) A spear gun licence issued by the Council before the coming into force of the *National Conservation Council (Licence and Permit) (Amendment) Directives, 2021 [SL 22 of 2021]*, which has not expired before the coming into force of the said directives, expires on 30th September, 2021.
- (2) The Council shall pro-rate the prescribed fee for the renewal of a spear gun licence under directive 7A at four dollars per month in respect of a licensee who —
- (a) at the date on which the *National Conservation Council (Licence and Permit) (Amendment) Directives, 2021 [SL 22 of 2021]* come into force holds a valid spear gun licence issued by the Council which expires after 30th September, 2021; and
 - (b) applies for renewal of the spear gun licence under directive 7 before 30th September, 2021.



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

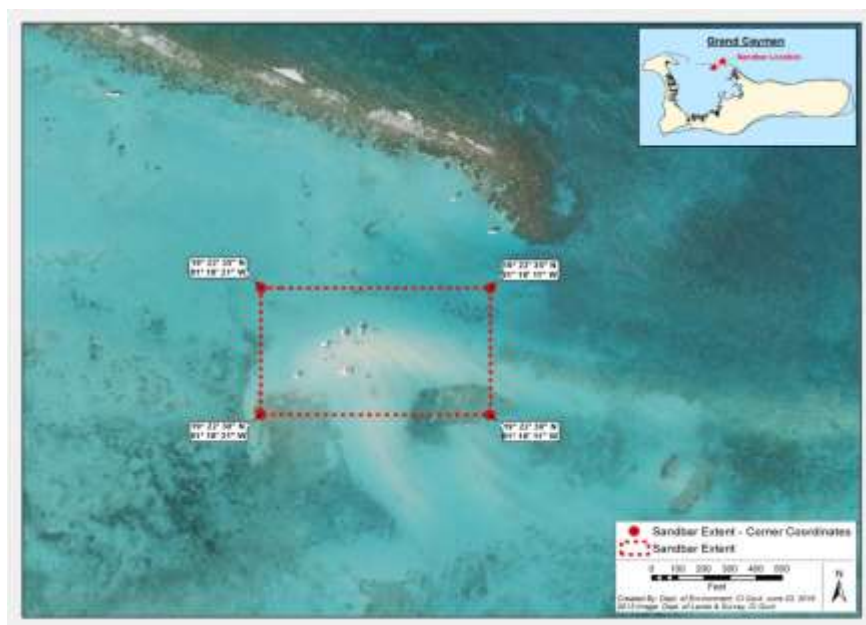
The area in North Sound situate at a point starting on the reef at 19°23'18.43"N 81°20'45"W at the twenty foot depth contour and then in a southwesterly direction for approximately 1,780 feet to reach a point 19°23'06.34"N 81°20'58.58"W and then in a southeasterly direction for approximately 2,253 feet 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

(Directive 40(b))

Sandbar Area of the Sandbar Wildlife Interaction Zone

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



SCHEDULE 3

(Directive 46)

Bloody Bay-Jackson Point Marine Park, Little Cayman

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.

SCHEDULE 4*(Directive 9D(2))***Spear Gun Import Form**
National Conservation Council
Spear Gun Import Form

Questions: Department of Environment 949-8469

**Licence Holder / Importer**

* FULL NAME:

 _____ / _____ / _____
 First Middle Last

* RESIDENTIAL ADDRESS:

 _____ / _____ / _____ / _____
 House No. Road District Island

 * MAILING ADDRESS: _____ / KY _____ - _____ * Email: _____
 P.O. Box Post Code

 * TELEPHONE: _____ / _____ / _____ * DATE OF BIRTH: _____ / _____ / _____
 Mobile Home Day Month Year
TYPE OF SPEAR GUN:

() Mechanical / () Pneumatic / () Hawaiian Sling / () Pole Spear / () Other

 DESCRIPTION: _____ / _____ / _____ / _____ / _____
 Make Model Colour No. of Rubbers Rod (SS or Galv)


Department of Environment: Official Use (Not Valid Without Stamp)

Applicant ID Type: _____ ID #: _____	DoE Stamp	Officer Name: _____ Signature: _____ Date: _____
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Customs and Border Control - Record of Legal Importation

Date: _____ Name: _____ Signature: _____	CBC Stamp
--	--------------

OFFICIAL NOTICE:

- Importation of power heads, bang sticks, or similar is prohibited.
- Failure to submit the imported spear gun to the Department of Environment for licencing within seven (7) calendar days of the date of importation in accordance with directive 9D(6) will render the importation invalid and subject the spear gun to confiscation and destruction as an unlicensed spear gun, and the importer liable for prosecution, under section 34(c) of the *National Conservation Act, 2013*.

Department of Environment: Official Use

Spear Gun Tag Number: _____	Inspection Date: _____
ID Type: _____	ID #: _____



**Publication in consolidated and revised form authorised by the Cabinet this 11th
day of January, 2022.**

Kim Bullings
Clerk of the Cabinet



ENDNOTES

Table of Legislation history:

SL #	Law/Act #	Legislation	Commencement	Gazette
22/2021		National Conservation Council (Licence and Permit) (Amendment) Directives, 2021	12-Mar-2021	LG21/2021/s4
	56/2020	Citation of Acts of Parliament Act, 2020	3-Dec-2020	LG89/2020/s1
57/2019		Waiver of Conservation Licencing Requirements for Select Groups, 2019	27-May-2019	G11/2019/p716
82/2016		National Conservation Council (Licence and Permit) Directives, 2016	11-Aug-2016	GE62/2016/s4



(Price: \$8.00)

