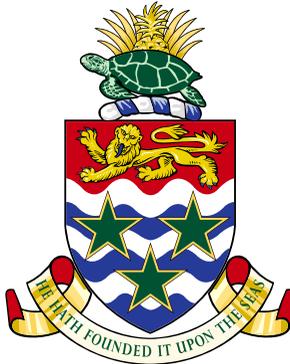


CAYMAN ISLANDS



National Conservation Act, 2013

(Act 24 of 2013)

**NATIONAL CONSERVATION COUNCIL
(LICENCE AND PERMIT) (AMENDMENT)
DIRECTIVES, 2021**

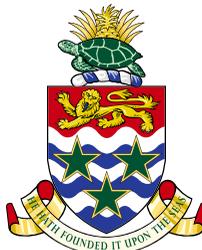
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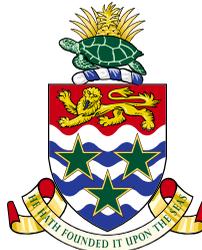
**NATIONAL CONSERVATION COUNCIL
(LICENCE AND PERMIT) (AMENDMENT)
DIRECTIVES, 2021**

(SL 22 of 2021)

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CAYMAN ISLANDS



National Conservation Act, 2013

(Act 24 of 2013)

**NATIONAL CONSERVATION COUNCIL
(LICENCE AND PERMIT) (AMENDMENT)
DIRECTIVES, 2021**

(SL 22 of 2021)

In exercise of the powers conferred by section 3(12) of the National Conservation Act, 2013 the National Conservation Council makes the following directives —

Citation

1. These directives may be cited as the National Conservation Council (Licence and Permit) (Amendment) Directives, 2021.

Insertion of directive 5A in the National Conservation Council (Licence and Permit) Directives, 2016 - number of spear gun licences to be issued

2. The *National Conservation Council (Licence and Permit) Directives, 2016*, in these directives referred to as the “principal directives”, are amended by inserting after directive 5, the following directives —

“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.”.

Amendment of directive 6- eligibility for a grant of a spear gun licence

3. The principal directives are amended in directive 6(1) as follows —

- (a) in paragraph (a), by inserting after the words “Caymanian;”, the word “and”;
- (b) in paragraph (b), by deleting the words “eighteen; and” and substituting the words “eighteen,”; and
- (c) by repealing paragraph (c).

Amendment of directive 7 - spear gun licence: conditions

4. The principal directives are amended in directive 7 as follows —

- (a) in paragraph (1)(b) by inserting after the words “any other person” the words “who does not possess a valid spear gun licence”; and
- (b) in paragraph (4) by deleting the word “permit” and substituting the word “tag”.

Insertion of directive 7A in the principal directives - renewal of a spear gun licence

5. The principal directives are amended by inserting after directive 7, the following directive —

“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.”.



Insertion of directives 9A to 9D in the principal directives – surrender, replacement, transfer and importation of a spear gun

6. The principal directives are amended by inserting after directive 9, the following directives —

“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 its 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.

Amendment of directive 12 - seine net licence conditions

7. The principal directives are amended in directive 12 as follows —

- (a) in paragraph (1) as follows —
 - (i) in subparagraph (b) by deleting the words “(*carangidae family*); ” and substituting the words “(*carangidae family*); and”;
 - (ii) in subparagraph (c), by deleting the words “listed species; and” and substituting the words “listed species.”; and

- (iii) by repealing subparagraph (d); and
- (b) by inserting after paragraph (4) the following paragraph —
 - “(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.”.

Amendment of directive 17 - conditions to be set out in licence

8. The principal directives are amended in directive 17 as follows —
- (a) in paragraph (1) as follows —
 - (i) in subparagraph (b), by deleting the words “Caymanian waters;” and substituting the words “Caymanian waters; and”;
 - (ii) in subparagraph (c), by deleting the words “listed species; and” and substituting the words “listed species.”; and
 - (ii) by repealing subparagraph (d); and
 - (b) by inserting after paragraph (4) the following paragraph —
 - “(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.”.

Amendment of directive 48 - permit conditions

9. The principal directives are amended in directive 48(b)(i), by deleting the word “or” at the end of the subparagraph and substituting the word “and”.

Insertion of Schedule 4 – spear gun import form

10. The principal directives are amended by inserting after Schedule 3, the following Schedule —



“Schedule 4

(directive 9D(2))



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: _____



Customs & Border Control - Record of Legal Importation

Date: _____

Name: _____

Signature: _____



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 #: _____”.



Transitional

- 11.** (1) A spear gun licence issued by the Council before the coming into force of these directives, which has not expired before the coming into force of these 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 these directives 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.

Made by the Council the 12th day of March, 2021.

McFarlane Connolly
Chairman