

CAYMAN ISLANDS



National Conservation Act, 2013

(Act 24 of 2013)

NATIONAL CONSERVATION (ALIEN SPECIES) REGULATIONS, 2022

(SL 47 of 2022)

Supplement No. 1 published with Legislation Gazette No. 43 dated 3rd November, 2022.

PUBLISHING DETAILS



CAYMAN ISLANDS**National Conservation Act, 2013**

(Act 24 of 2013)

**NATIONAL CONSERVATION (ALIEN SPECIES)
REGULATIONS, 2022**

(SL 47 of 2022)

Arrangement of Regulations

Regulation	Page
------------	------

PART 1 - PRELIMINARY

1.	Citation	5
2.	Definitions	5
3.	Meaning of “release”	6

PART 2 - PROHIBITED SPECIES

4.	Holding or keeping prohibited species in captivity	6
5.	Breeding prohibited species in captivity	7
6.	Publicly displaying prohibited species	7
7.	Purchase or sale of prohibited species	7
8.	Transport of prohibited species	7
9.	Import or export of prohibited species	7
10.	Intentionally feeding prohibited species	7
11.	Sterilisation, euthanasia or export of species	7
12.	Authorization of veterinary surgeons	8
13.	Custody of prohibited species by veterinary surgeons	8
14.	Placement of living specimens of prohibited species	8



PART 3 - CONTROL AND MANAGEMENT OF ALIEN SPECIES

15. Control or eradication of alien or genetically altered species8
16. Destruction of alien or genetically altered species.....9
17. Release of alien or genetically altered species.....9
18. Feeding or supporting alien or genetically altered species in the wild.....9

PART 4 - MISCELLANEOUS

19. Power of the Council to grant permits10
20. Offences and penalties10
21. Transitional provisions10

SCHEDULE **11**



CAYMAN ISLANDS**National Conservation Act, 2013****(Act 24 of 2013)****NATIONAL CONSERVATION (ALIEN SPECIES)
REGULATIONS, 2022****(SL 47 of 2022)**

In exercise of the powers conferred by section 50(1)(h) of the National Conservation Act, 2013, the Cabinet makes the following Regulations —

PART 1 - PRELIMINARY**Citation**

1. These Regulations may be cited as the National Conservation (Alien Species) Regulations, 2022.

Definitions

2. In these Regulations —

“**feral specimen**” means a living specimen of an alien species which has a population which is kept as agricultural stock, as a domesticated animal or as an agricultural, horticultural or ornamental plant and which —

- (a) is living in the wild; and
- (b) does not have an identifiable owner who —
 - (i) in the case of agricultural stock or a domesticated animal, controls its movement and provides shelter, food, water and veterinary care; or

- (ii) in the case of an agricultural, horticultural or ornamental plant, is cultivating it;

“**prohibited species**” means an alien species specified in Part A of the Schedule;

“**the wild**”, in relation to any specimen, means any area which is not under the active management and control of any person who —

- (a) is the identifiable owner of, or is responsible for, that specimen; and
- (b) ensures the movement or propagation of that specimen is confined to that area; and

“**veterinary surgeon**” has the meaning assigned by section 2 of the *Veterinary Act (1997 Revision)*.

Meaning of “release”

3. (1) For the purposes of these Regulations, “**release**” means to allow or cause a living alien animal, plant specimen or a specimen of a genetically altered species to move from —
- (a) captivity;
 - (b) physical restraint;
 - (c) cultivation; or
 - (d) containment,
- to the wild, irrespective of that specimen’s provenance or the amount of time it was previously held in captivity, physically restrained, cultivated or contained.
- (2) For the purposes of these Regulations, “**release**” does not include the release of agricultural animals or agricultural, horticultural or ornamental plants which are not prohibited species where —
- (a) the agricultural, horticultural or ornamental plants are planted out in farms and gardens; or
 - (b) the agricultural animals are placed within enclosed fields or pens.

PART 2 - PROHIBITED SPECIES

Holding or keeping prohibited species in captivity

4. (1) A person shall not hold or keep prohibited species in captivity unless that person holds a permit to do so issued by the Council in accordance with section 20(1) of the Act.
- (2) A permit under paragraph (1) shall prohibit the breeding of prohibited species which are held or kept in captivity.
- (3) The Council may require a person who holds or keeps prohibited species in captivity in accordance with this regulation to sterilize the prohibited species.



Breeding prohibited species in captivity

5. A person shall not breed prohibited species in captivity.

Publicly displaying prohibited species

6. A person shall not display a living specimen of a prohibited species in public.

Purchase or sale of prohibited species

7. A person shall not purchase or sell a living specimen of a prohibited species.

Transport of prohibited species

8. (1) A person shall not transport a living specimen of a prohibited species in the Islands.
- (2) Notwithstanding paragraph (1), a person may transport a living specimen of a prohibited species in the Islands if —
- (a) the person, holds a permit under section 20 in respect of the living specimen of a prohibited species;
 - (b) the permit referred to under subparagraph (a) relates to the living specimen of a prohibited species being transported; and
 - (c) the person is transporting the living specimen of a prohibited species —
 - (i) to a veterinary surgeon; or
 - (ii) from a veterinary surgeon to the person's residence.

Import or export of prohibited species

9. A person shall not import or export a living specimen of a prohibited species into or from the Islands.

Intentionally feeding prohibited species

10. A person shall not knowingly feed a living specimen of a prohibited species.

Sterilisation, euthanasia or export of species

11. Notwithstanding regulations 4, 8, 9 and 10, the Director, a designee of the Director or a veterinary surgeon authorized under regulation 12, may capture, seize, hold, transport or feed a specimen of a prohibited species for the purposes of —
- (a) sterilising, euthanizing or destroying the specimen; or
 - (b) exporting the specimen in order to permanently remove the specimen from the Islands.

Authorization of veterinary surgeons

12. A veterinary surgeon who wishes to carry out the activities specified under regulation 11 shall apply to the Council for a permit to do so in accordance with section 20 of the Act.

Custody of prohibited species by veterinary surgeons

13. (1) Subject to paragraphs (2) and (3), a veterinary surgeon shall not accept custody of a living specimen of a prohibited species except in accordance with regulations 11 and 12.
- (2) Notwithstanding paragraph (1), where a veterinary surgeon accepts custody of a living specimen of a prohibited species other than in accordance with regulations 11 and 12, the veterinary surgeon shall —
- (a) not return the specimen to the person from whom the veterinary surgeon accepted custody of the specimen; and
 - (b) surrender the specimen to a conservation officer no later than twenty-four hours after accepting custody of the specimen.
- (3) Notwithstanding paragraph (1), a veterinary surgeon may accept custody of a living specimen of a prohibited species, where —
- (a) the person who is giving custody of the living specimen of a prohibited species to the veterinary surgeon holds a permit under section 20 of the Act in respect of the living specimen of a prohibited species; and
 - (b) the permit referred to under subparagraph (a) relates to the living specimen of a prohibited species being given to the veterinary surgeon.
- (4) Paragraph (2) shall not apply where a veterinary surgeon accepts custody of a living specimen of a prohibited species in accordance with paragraph (3).

Placement of living specimens of prohibited species

14. The Director may direct that living specimens of a prohibited species which have been seized, surrendered, recovered, found or otherwise acquired be placed in the care of a person who holds a permit issued by the Council under section 20 of the Act and held or kept in accordance with regulation 4.

PART 3 - CONTROL AND MANAGEMENT OF ALIEN SPECIES**Control or eradication of alien or genetically altered species**

15. (1) The Director may, subject to the approval of the Council, implement procedures in accordance with section 6(2)(k) of the Act for the control or eradication of any alien or genetically altered species by lethal or other means, directly or in partnership with or through any government entity or any other group or person.



- (2) The Director shall consult with the Director of the department of government responsible for agriculture where the procedures under paragraph (1) relate to a population of feral specimens.

Destruction of alien or genetically altered species

- 16.** (1) Subject to paragraphs (2), (3) and (4), a person may destroy a specimen of an alien or genetically altered species.
- (2) Where the specimen referred to under paragraph (1) is an animal, the specimen shall be destroyed in a manner which does not cause unnecessary suffering to the specimen.
 - (3) Subject to paragraph (4), where the specimen referred to under paragraph (1) is —
 - (a) agricultural stock;
 - (b) a domesticated animal; or
 - (c) an agricultural, horticultural or ornamental plant,a person may destroy the specimen if the person believes on reasonable grounds that the specimen is a feral specimen.
 - (4) A person shall not take a specimen of an alien or genetically modified species —
 - (a) in a protected area, unless that person holds a permit to do so issued by the Council in accordance with section 20 of the Act; or
 - (b) in an area protected under the *National Trust Act (2010 Revision)*, without the permission of the National Trust for the Cayman Islands established under section 3 of the *National Trust Act (2010 Revision)*.

Release of alien or genetically altered species

- 17.** A person shall not knowingly release a specimen of an alien or genetically altered species.

Feeding or supporting alien or genetically altered species in the wild

- 18.** (1) A person shall not knowingly feed or support alien or genetically altered species in the wild.
- (2) Notwithstanding regulation 20, a person who contravenes paragraph (1), commits an offence and the Director shall, in the case of a first offence, issue an order under section 30(1)(a) of the Act to the person.
 - (3) Notwithstanding regulation 20, a person who contravenes paragraph (1) for a second time commits an offence and is liable to a fine of five thousand dollars.
 - (4) A person who contravenes paragraph (1) for a third or subsequent time commits an offence and is liable to the penalties under section 38 of the Act.

PART 4 - MISCELLANEOUS

Power of the Council to grant permits

19. In accordance with section 20 of the Act, the Council may grant a permit to a person exempting the person, subject to any limitations and conditions specified in the permit, from these Regulations.

Offences and penalties

20. A person who contravenes these Regulations commits an offence and is liable to the penalties under section 38 of the Act.

Transitional provisions

21. (1) Regulation 4 shall not apply, for a period of six months after the day on which these Regulations come into force, to a person who at the date on which these Regulations come into force, owns or is in possession of prohibited species in captivity or cultivation.
- (2) A person who, at the date on which these Regulations come into force, owns or is in possession of a specimen of a prohibited species in captivity or cultivation shall, before the expiration of the six-month period referred to in paragraph (1) —
- (a) ensure that the specimen is euthanized by a person referred to in regulation 11 or 12 or destroyed under regulation 16; or
 - (b) submit that specimen to the department of government responsible for the environment —
 - (i) for the purposes of exporting that specimen from the Islands; or
 - (ii) for placement of that specimen in accordance with regulation 14.
- (3) Regulation 18 shall not apply for a period of three months after the day on which these Regulations come into force.



SCHEDULE*(regulation 2)***Part A****Prohibited Species**

Scientific Name	Common Name
<i>Myiopsitta monachus</i>	Monk Parakeet
<i>Psittacula eupatria</i>	Alexandrine Parakeet
<i>Psittacula krameri</i>	Rose-ringed Parakeet
<i>Psittacara erythrogenys</i>	Red-masked Parakeet
<i>Eupsittula nana</i>	Olive-throated or Jamaican Parakeet
<i>Aratinga pertinax</i>	Brown-throated Parakeet
<i>Diopsittaca nobilis</i>	Red-shouldered Macaw
<i>Ara severa</i>	Chestnut-fronted Macaw
<i>Primolius auricollis</i>	Yellow-collared Macaw
<i>Primolius maracana</i>	Blue-winged Macaw
<i>Primolius couloni</i>	Blue-headed Macaw
<i>Orthopsittaca manilata</i>	Red-bellied Macaw
Alien <i>Columbidae</i> except domesticated species	All alien doves other than domestic breeds
<i>Molothrus bonariensis</i>	Shiny Cowbird
<i>Sturnidae</i>	All Starlings
<i>Cairina moschata</i>	Muscovy Duck
<i>Lonchura spp.</i>	Munias
<i>Phasianidae</i>	Peafowl and Pheasants
<i>Gallus spp.</i> excepting <i>Gallus gallus domesticus</i>	Junglefowl other than domestic chickens
Alien <i>Reptilia</i>	all alien reptiles
Alien <i>Amphibia</i>	all alien amphibians
<i>Scyphophorus acupunctatus</i>	Agave Snout Weevil
<i>Lissachatina fulica</i>	Giant African Land Snail
<i>Schinus terebinthifolius</i> , on Grand Cayman and Little Cayman only	Brazilian Pepper

Scientific Name	Common Name
<i>Mimosa pigra</i>	Giant Sensitive Tree
<i>Neyraudia reynaudiana</i>	Burma Reed
<i>Prosopis juliflora</i>	Mesquite
<i>Syzygium cumini</i>	Java Plum
<i>Hoya australis</i>	Samoan Wax Plant
<i>Pterois spp.</i>	Lionfish
<i>Dendrochirus spp.</i>	Lionfish
<i>Acanthaster planci</i>	Crown of Thorns Starfish
<i>Perna viridis</i>	Green Mussel
<i>Perna perna</i>	Brown Mussel
<i>Dreissena polymorpha</i>	Zebra Mussel
<i>Tubastraea sp.</i>	Sun Corals
<i>Eriocheir spp.</i>	Mittencrabs
Alien <i>Mammalia</i> except domesticated and game species	All alien mammals other than the exempted agricultural, domestic and game mammals referred to in Part B of the Schedule.

Part B

Exempted Agricultural, Domestic and Game Mammals

Domesticated and game mammal species:	
Scientific Name	Common Name
<i>Canis familiaris</i>	Domestic Dog
<i>Felis catus</i>	Domestic Cat
<i>Mesocricetus auratus</i>	Syrian Hamster
<i>Oryctolagus cuniculus domesticus</i>	Domestic Rabbit
<i>Cavia porcellus</i>	Guinea pig
<i>Meriones unguiculatus</i>	Mongolian Gerbil
<i>Chinchilla lanigera</i>	Chinchilla
<i>Equus caballus</i>	Horse
<i>Equus africanus asinus</i>	Donkey
<i>Bos taurus</i>	Cattle



<i>Capra hircus</i>	Goat
<i>Ovis aries</i>	Sheep
<i>Sus scrofa domesticus</i>	Domestic Pig
<i>Dasyprocta punctata</i>	Central American Agouti

Made in Cabinet the 25th day of October, 2022.

Kim Bullings
Clerk of the Cabinet