ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER T27

TRADE IN ENDANGERED SPECIES ACT

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition revises Act 9/2009, in force 1 November 2009

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TRADE IN ENDANGERED SPECIES ACT

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TRADE IN ENDANGERED SPECIES ACT

PART 1

PRELIMINARY

Interpretation

1. (1) In this Act—

"Anguilla" means—

(a) the islands of Anguilla, Scrub Island, Anguillita, Sandy Island, Prickly Pear, Dog Island, Sombrero and other islands and rocks forming part of Anguilla;

(b) the interior waters of Anguilla and the seabed beneath the interior waters and the subsoil beneath the seabed;

(c) the territorial sea and the seabed and subsoil beneath the territorial sea; and

(d) the airspace above the islands and rocks referred to in paragraph (a), the interior waters and the territorial sea;

"Appendix I species" means a species listed on Appendix I to the Convention;

"Appendix II species" means a species listed on Appendix II to the Convention;

"Appendix III species" means a species listed on Appendix III to the Convention;

"artificially propagated", in relation to a plant specimen, means a specimen that is—

(a) grown under controlled conditions; and

(b) grown from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules that either are exempt or have been derived from cultivated parental stock;

"bred in captivity", in relation to an animal specimen, means a specimen born or otherwise produced in a controlled environment and applies only if—

(a) the parents mated or gametes were otherwise transferred in a controlled environment, if reproduction is sexual, or the parents were in a controlled environment when development of the offspring began, if reproduction is asexual;

(b) the breeding stock, to the satisfaction of the relevant authority of the exporting state—

(i) was established in a manner not detrimental to the survival of the species in the wild,

(ii) is maintained without the introduction of specimens from the wild, except for the occasional addition of animals, eggs or gametes, in a manner not detrimental to the survival of the species in the wild as advised by the Scientific Authority—

(A) to prevent or alleviate deleterious inbreeding, with the magnitude of such addition determined by the need for new genetic material,

(B) to dispose of animals forfeited or abandoned in accordance with section 35, or

(C) exceptionally, for use as breeding stock, and

(iii) has produced offspring of second generation (F2) or subsequent generation (F3, F4, etc.), or is managed in a manner that has been demonstrated to be capable of reliably producing offspring of second generation (F2) or subsequent generation (F3, F4, etc.);

(Am. in L.R. 15/12/2010)

"breeding stock" of a breeding operation means the ensemble of the animals in the operation that are used for reproduction;

"commercial purpose" means an activity, including actual or intended import, export, re-export, sale, offer for sale, purchase, transfer, donation, exchange or provision of a service, that is reasonably likely to result in economic use, gain or benefit, including, but not limited to, profit, whether in cash or in kind, or tax benefits;

"competent authority", in reference to a Non-Convention State, means the competent authority of the Non-Convention State within the meaning of Article X of the Convention;

"Conference of the Parties" means either the parties to the Convention collectively, or the meeting of the Parties to consider amendments to the Appendices and resolutions and other administrative issues, as the context requires;

"controlled conditions", in relation to plants, means a non-natural environment that is intensively manipulated by human intervention for the purpose of plant production with characteristics that may include—

(a) tillage;

(b) fertilization;

(c) weed and pest control;

(d) irrigation; or

(e) nursery operations such as potting, bedding or protection from weather;

"controlled environment", in relation to animals, means an environment that is manipulated for the purpose of producing animals of a particular species, that has boundaries designed to prevent animals, eggs or gametes of the species from entering or leaving the controlled environment, the general characteristics of which may include—

(a) artificial housing;

(b) waste removal;

(c) health care;

(d) protection from predators; or

(e) artificially supplied food;

"Convention" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) made at Washington, District of Columbia in the United States of America on the 3rd day of March, 1973 and any amendment or protocol to the Convention as extended to Anguilla;

"Convention document" means—

(a) an import or export permit, re-export certificate, certificate of origin or certificate of introduction from the sea referred to in section 14; or

(b) an exemption certificate;

"Convention State" means a state, other than Anguilla, that is a party to the Convention and includes a territory, dependency or colony of the state to which the Convention has been extended or to which the Convention applies;

"coral fragments" mean loose pieces of broken finger-like coral between 2 and 30 mm in diameter that contain no living coral tissue and which are not identifiable to the level of genus;

"coral sand" means material that consists entirely, or in part, of finely crushed coral no larger than 2 mm in diameter that contains no living coral tissue and which is not identifiable to the level of genus;

"cultivated parental stock" means the ensemble of plants grown under controlled conditions that are used for reproduction and which have been, to the satisfaction of the Management Authority—

(a) established in a manner not detrimental to the survival of the species in the wild; and

(b) maintained in sufficient quantities for propagation so as to minimize or eliminate the need for augmentation from the wild, with such augmentation occurring only as an exception and limited to the amount necessary to maintain the vigour and productivity of the cultivated parental stock;

"Department" means the Department of Environment;

"derivative" includes—

(a) any processed part of an animal or plant, including medicine, cosmetics, comestibles or textiles;

(b) body fluids; and

(c) genetic material;

"Director" means the Director of Environment;

"enforcement officer" means an officer appointed under section 26;

"exemption certificate" means a certificate issued in accordance with the regulations;

"export" means to transport, send, ship or carry or cause to be transported, sent, shipped or carried out of a state;

(Am. in L.R. 15/12/2010)

"function" means a duty or power;

"genetic material" means—

(a) in the case of an animal—

(i) an egg, sperm, tissue culture or embryo of an animal, or

(ii) any other part or product of an animal from which another animal can be reproduced; and

(b) in the case of a plant—

(i) a seed or spore , pollen or tissue culture of a plant; or

(ii) any other part or product of a plant from which another plant can be produced;

"Government" means the Government of Anguilla;

"import" means transport, bring, ship or carry or cause to be transported, brought, shipped or carried into a state, other than by introduction from the sea;

"interior waters", in relation to Anguilla, means the waters between the baselines from which the territorial sea is measured and the mean low water mark;

"in transit" means—

(a) that a specimen enters Anguilla on board a mode of transport and the specimen remains on board the mode of transport for the entire time it is in Anguilla; or

(b) the transshipment of a specimen in Anguilla when it remains under the control of Customs in accordance with the regulations;

"introduction from the sea" means to transport, bring, ship or carry into Anguilla a specimen of any Appendix I, II or III species that was taken in the marine environment not under the jurisdiction of any state, without the specimen having been imported into any other state;

"licence" means a licence issued under the regulations;

"marine environment" includes the interior waters, territorial sea, seabed, subsoil beneath the seabed and airspace above the interior waters and territorial sea;

"Management Authority" means the Management Authority designated in section 5;

"Minister" means the Minister responsible for the environment;

"non-commercial", in relation to an activity, means an activity that is not commercial, including personal use;

"Non-Convention State" means a state other than a Convention State and includes a territory, dependency or colony of a Convention State or a Non-Convention State to which the Convention has not been extended or to which it does not apply;

"offspring of second generation (F2) or subsequent generation (F3, F4, etc.)" are specimens produced in a controlled environment from parents that were also produced in a controlled environment;

"precautionary principle" means the rule by which pre-emptive conservation measures may be taken to avoid or minimize a threat to a population of a species even when there is a lack of full scientific certainty as to the threat;

"primarily commercial purposes" means an activity whose non-commercial aspects do not clearly predominate as determined in accordance with the regulations;

"readily recognizable", in reference to a specimen, means any specimen that appears from—

(a) a visual, physical, scientific or forensic examination or test;

(b) an accompanying document, the packaging or a mark or label; or

(c) any other circumstances;

to be a part or derivative of an animal or plant of an Appendix I, II or III species, unless such part or derivative is specifically exempted from the provisions of the Convention;

"regulation" means a regulation made under section 47;

"relevant authority", in relation to a state, means—

(a) in the case of a Convention State, a Management Authority in that state; or

(b) in relation to a Non-Convention State, the competent authority of that state;

"re-export" means the export of a specimen that has previously been imported, whether or not the specimen is in the same form as at the time of importation;

"Scientific Authority" means the Scientific Authority established under section 9;

"scientific institution" means an institution that conducts scientific research on wild fauna and flora and includes museums and herbaria;

"Secretariat" means the entity designated under the Convention to perform administrative functions;

"species" includes any subspecies, variety, form or geographically separate population;

"specimen" means—

(a) any animal or plant, whether dead or alive;

(b) in the case of an animal—

(i) for an Appendix I or II species, any readily recognizable part or derivative thereof, and

(ii) for an Appendix III species, only a readily recognizable part or derivative thereof specified in Appendix III in relation to the species; and

(c) in the case of a plant—

(i) for an Appendix I species, any readily recognizable part or derivative thereof, and

(ii) for Appendix II or III species, only a readily recognizable part or derivative thereof specified in Appendix II or III in relation to the species;

"synthetically derived DNA" means a DNA sample synthetically derived that does not contain any part of the original template;

"territorial sea", in relation to Anguilla, means the territorial sea established under the Anguilla (Territorial Sea) Order in Council 2007 No. 2916, being that part of the sea adjacent to Anguilla that is situated within 12 nautical miles measured from the baselines established under that Order, together with the seabed of the territorial sea and its subsurface;

"trade" includes import, export, re-export and introduction from the sea.

(2) A reference to this Act shall be interpreted to include the regulations, unless a contrary intention appears in this Act or the regulations.

(3) When a person is required to prepare and ship a live animal or plant so as to minimize risk of injury, damage to health or cruel treatment, it shall be interpreted to mean—

(a) in the case of an animal shipped by air, that it is prepared and shipped in accordance with the most current version of the *International Air Transport Association Live Animals Regulations*; and

(b) in the case of any other animal or of a plant, that it is prepared and shipped in accordance with the most current version of the *Guidelines for Transport and Preparation for Shipment of Live Wild Animals and Plants* as found on the official Convention Website (http://www.cites.org).

(4) When a power to delegate, designate, appoint or authorise a person to do an act or thing is given under this Act, the delegation, designation, appointment or authorisation may be by the person's name, title or office, and when a delegation, designation, appointment or authorisation is by

title or office, the delegation, designation, appointment or authorisation applies to every person while he or she holds that office or title.

(5) A delegation, designation, appointment or authorisation may be revoked.

Purpose of Act

2. The purpose of this Act is to support and promote the protection and conservation of Appendix 1, II and III species by regulating trade in specimens of those species and, in doing so, give effect in Anguilla to the Convention.

Act binding on the Crown

3. This Act binds the Crown.

Provisions to be in addition to those of other Acts

4. The provisions of this Act are in addition to, and not in derogation of, any other Act or regulation.

PART 2

ADMINISTRATION

Division 1

Management Authority

Designation of Management Authority

5. (1) The Department as represented by the Director is designated as the Management Authority in Anguilla for the purposes of the Convention.

(2) The Director may delegate any of his or her responsibilities to any public officer who reports to the Director.

Management Authority's general functions

6. In addition to its functions under this Act, the Management Authority shall—

(a) facilitate Anguilla's compliance with the Convention;

(b) take such steps as are necessary for the protection and conservation of Appendix I, II and III species with regard to the effect of trade;

(c) promote public awareness of Appendix I, II and III species and foster understanding of the importance to the conservation of those species;

(d) advise the Minister on matters of policy relating to trade in Appendix I, II and III species, including quotas and moratoria on trade in certain species;

(e) consult with the Scientific Authority regarding—

(i) issuance of export permits or certificates for introduction from the sea for Appendix I and II species and whether the export or introduction from the sea will be for purposes not detrimental to the survival of the species,

(ii) issuance of import permits for Appendix I species and whether the import will be for purposes not detrimental to the survival of the species,

(iii) whether recipients of live Appendix I animals being imported or introduced from the sea are adequately equipped to conserve and care for them properly,

(iv) suitable measures to be taken to limit the grant of export permits for Appendix II species, and

(v) proposals for amendment of the Appendices;

(f) prepare and provide to the Secretariat and make public the following reports—

(i) an annual summary report on the number and type of permits and certificates granted; the states with which such trade occurred; the numbers or quantities and types of specimens, names of species as included in Appendices I, II and III and, where applicable, the size and sex of the specimens in question, and

(ii) a biennial report on legislative, regulatory and administrative measures taken to enforce the Convention;

(g) provide the Secretariat with impressions of stamps, seals or other devices used to authenticate permits or certificates;

(h) report violations of this Act to the Secretariat;

(i) licence and cancel and suspend licences of scientific institutions, captive breeding operations and artificial propagation operations in Anguilla in accordance with the regulations;

(j) register with the Secretariat scientific institutions, captive breeding operations and artificial propagation operations licensed by the Management Authority and give notice to the Secretariat of the cancellation or suspension of licences;

(k) communicate to the Secretariat the information that it may require under the Convention; and

(l) in performing its functions under this Act—

(i) act on the basis of the best available information, including scientific knowledge and traditional knowledge, and

(ii) apply the precautionary principle.

Delegation outside Department

7. (1) Subject to subsection (2), the Management Authority may in writing delegate its functions to—

(a) a public officer outside the Department; or

(b) a government agency or an employee of a government agency.

(2) Before making a delegation under subsection (1), the Management Authority shall obtain—

(a) in the case of a public officer, the written consent of the Governor and the minister of the ministry for the department in which the public officer is employed;

(b) in the case of a government agency, the written consent of the board or other management body of the government agency; and

(c) in the case of an employee of a government agency, the written consent of the chief administrator of the government agency.

Transfer of administration

8. (1) Subject to subsection (2), the Minister may, by written agreement or regulation, and with the consent of the other minister or the government agency or entity, transfer the administration of a provision of this Act to—

(a) another minister of Government;

(b) a government agency; or

(c) any other entity;

with the consent of the other minister, the government agency or management body of the other entity, as the case may be.

(2) Subsection (1) does not permit the transfer of the power to make regulations.

(3) An agreement or regulation under subsection (1) may—

(a) specify the terms and conditions subject to which the transfer is made;

(b) provide for funding the costs associated with the transfer of administration;

(c) authorise the collection of, and require accounting for, specified fees and charges and require the remittance thereof to the Accountant General or, notwithstanding the Financial Administration and Audit Act but with the consent of, and subject to any conditions imposed by, the Minister of Finance, authorise the retention by a government agency or other entity of specified fees and charges;

(d) provide for the maintenance of records and periodic reports; and

(e) provide for any other matters relating to the transfer of administration.

(4) When the administration of a provision of this Act has been transferred under subsection (1) and in the Minister's opinion the other minister, the government agency or other entity is not properly administering the provision, the Minister, after serving written notice on the other minister,

the government agency or other entity, as the case may be, may cancel the agreement or repeal the regulation that effected the transfer of administration.

Division 2

Scientific Authority

Scientific Authority

9. (1) Subject to this section, the Minister shall appoint a Scientific Authority, which shall be independent of the Management Authority and consist of at least 3 members, one of whom shall be—

(a) the Deputy Director of the Department;

(b) a marine biologist; and

(c) a person appointed in accordance with subsection (2).

(2) The Minister shall endeavour to appoint a person with training in, or knowledge of, the biological sciences and may consider the appointment of—

(a) the Chief Veterinary Officer; or

(b) an appropriately qualified representative from any department, including—

(i) the Department of Agriculture, and

(ii) the Department of the Environment.

(3) The Scientific Authority may co-opt additional members.

Functions of Scientific Authority

10. In addition to the functions specified elsewhere in this Act, the Scientific Authority shall—

(a) advise the Management Authority on matters in respect of which advice is sought by the Management Authority;

(b) advise the Minister on policy relating to trade in endangered animals and plants;

(c) advise the Management Authority on the issuance of export permits or certificates for introduction from the sea for Appendix I and II species and whether the export or introduction from the sea will be for purposes not detrimental to the survival of the species;

(d) advise the Management Authority on the issuance of import permits for Appendix I species and whether the import will be for purposes not detrimental to the survival of the species;

(e) advise the Management Authority whether the recipient of a live specimen of an Appendix I species being imported or introduced from the sea is adequately equipped to conserve and care for the specimen properly;

(f) provide the Management Authority—

(i) monitoring and advice on the status of native species listed in the Appendices, if any, and export data, and

(ii) recommendations, if necessary, respecting remedial measures to limit the export of specimens relating to them in order to maintain each species throughout its range at a level consistent with its role in the ecosystem in which it occurs and above the level at which the species might become eligible for inclusion in Appendix I or II, as the case may be;

(g) review proposals to amend the Appendices submitted by Convention States and make recommendations to the Minister on how to respond;

(h) recommend, initiate, carry out or support, research that, in its opinion, is relevant to any of its functions;

(i) consult with and enlist the assistance of the Scientific Authorities of other Convention States as appropriate;

(j) perform such other functions as may be required under the Convention; and

(k) in performing its functions under this Act—

(i) act on the basis of the best available information, including scientific knowledge and traditional knowledge, and

(ii) apply the precautionary principle.

Scientific reports

11. The Scientific Authority shall cause to be prepared and transmitted to the Management Authority and the Minister an annual report on—

(a) the status of Appendix II species that are native to Anguilla and export data on the species;

(b) recommendations, if necessary, for suitable remedial measures to limit the export of specimens of Appendix II species that are native to Anguilla in order to maintain each species throughout its range at a level consistent with its role in the ecosystem and above the level at which the species might become eligible for inclusion in Appendix I;

(c) the biological status of species affected by trade to assist the Minister in the preparation of proposals necessary to amend the Appendices.

Procedure of Scientific Authority

12. (1) The Scientific Authority may establish committees consisting of one or more members, including co-opted members, and may delegate its functions to a committee.

(2) Subject to this Act, the Scientific Authority may regulate its procedures in the manner it determines to be appropriate.

PART 3

PROHIBITION OF TRADE IN OR POSSESSION OF APPENDIX I, II OR III SPECIES

Offence

13. (1) No person shall—

(a) import into, or export or re-export from, Anguilla any specimen of a species listed in Appendix I, II or III of the Convention; or

(b) introduce from the sea into Anguilla any specimen of a species listed in Appendix I or II of the Convention;

unless he or she holds the appropriate permit or certificate as required under Part 4 Division 1 or satisfies the requirements for an exemption from those requirements under the regulations.

(2) No person shall possess in Anguilla any specimen of a species listed in Appendix I, II or III of the Convention imported, exported, re-exported or introduced from the sea into Anguilla contrary to this Act.

PART 4

PERMITS AND CERTIFICATES

Division 1

Import, Export, Re-Export and Introduction from the Sea

Documents required to import, export or re-export specimen of an Appendix I, II or III species

14. (1) Subject to subsection (2), a person who proposes to take one of the actions set out in Column 1 in relation to a specimen of a species listed in the Appendix set out opposite in Column 2 is required to obtain from the Management Authority the appropriate permit or certificate as set out opposite in Column 3 in accordance with the section set out opposite in Column 4—

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Action	**Appendix**	**Permit Or Certificate Required**	**Section**
(a) Import into Anguilla	I	import permit, export permit or re-export certificate	15
	II	export permit or re-export certificate	16(1)
	III	export permit, re-export certificate or certificate of origin	16(2)
(b) Export out of Anguilla	I	export permit and import permit from state of import	17(1)
	II	export permit or export certificate	17(2) or 17(3)
	III and listed in Appendix III on behalf of Anguilla	export permit	18(1)
	III and not listed in Appendix III on behalf of Anguilla	certificate of origin	18(2)
(c) Re-Export out of Anguilla	I	re-export certificate	19(1)
	II	re-export certificate	19(2)
	III	re-export certificate	19(2)
(d) Introduction from the sea into Anguilla	I	certificate for introduction from the sea	20(1)
	II	certificate for introduction from the sea	20(2)

(2) Subsection (1) does not apply in relation to an action or specimen that is exempted under the regulations.

Import of specimen of Appendix I species

15. (1) The Management Authority may grant a permit to import into Anguilla a specimen of an Appendix I species to an applicant who meets the requirements of the regulations in relation to the permit if—

(a) the Scientific Authority has advised that—

(i) the import of that specimen will be for purposes that are not detrimental to the survival of that species, and

(ii) in the case of a living specimen, the proposed recipient of that specimen is suitably equipped to house and care for it; and

(b) the Management Authority is satisfied that—

(i) the specimen is not to be used for primarily commercial purposes,

(ii) the specimen was legally acquired in the state of origin, and

(iii) the scientific name of the species is the standard nomenclature in the Convention Appendices or the references adopted by the Conference of the Parties.

(2) If the Management Authority determines that an import permit referred to in subsection (1) may be granted but it has not yet done so, the Management Authority may, on request by the relevant authority of the state of export, issue a letter to confirm that the import permit will be issued.

(3) It is a condition of the validity of an import permit that it be accompanied by the export permit or re-export certificate in relation to the specimen issued by the relevant authority in the state of export or re-export.

(4) The condition referred to in subsection (3) shall be set out in the import permit.

Import of specimen of Appendix II or III species

16. (1) A person may import a specimen of an Appendix II species into Anguilla if he or she presents, before or at the time of import of the specimen, an export permit or a re-export certificate issued by the relevant authority in the state of export or re-export.

(2) A person may import a specimen of an Appendix III species into Anguilla if he or she presents, before or at the time of import of the specimen—

(a) a certificate of origin issued by the relevant authority in the state of origin; or

(b) if the specimen is being imported from a Convention State that listed the species to which the specimen belongs in Appendix III, an export permit or re-export certificate, as the case may be, issued by the relevant authority in the state of export or re-export.

Export of specimen of Appendix I or II species

17. (1) The Management Authority may grant an export permit for a specimen of an Appendix I species from Anguilla to an applicant who meets the requirements of the regulations in relation to the permit if—

(a) the Scientific Authority has advised that the proposed export would not be detrimental to the survival of the species; and

(b) the Management Authority is satisfied that—

(i) the specimen was legally acquired,

(ii) an import permit relative to the specimen has been issued by the relevant authority of the state of import or the relevant authority of the state of import has confirmed in writing that the import permit will be issued,

(iii) the scientific name of the species is the standard nomenclature in the Convention Appendices or the references adopted by the Conference of the Parties, and

(iv) any live specimen will be prepared and shipped so as to minimize risk of injury, damage to health or cruel treatment of the specimen.

(2) The Management Authority may grant an export permit for a specimen of an Appendix II species to an applicant who meets the requirements of the regulations in relation to the permit if—

(a) the Scientific Authority has advised that the proposed export would not be detrimental to the survival of the species; and

(b) the Management Authority is satisfied that—

(i) the specimen was legally acquired,

(ii) the scientific name of the species is the standard nomenclature in the Convention Appendices or the references adopted by the Conference of the Parties, and

(iii) any live specimen will be prepared and shipped so as to minimize risk of injury, damage to health or cruel treatment of the specimen.

(3) Notwithstanding subsection (2), the Management Authority may issue an export certificate for a specimen of an Appendix II marine species to an applicant who meets the requirements of the regulations in relation to the certificate if the Management Authority is satisfied that—

(a) the specimen—

(i) is protected under another treaty, convention or international agreement that was in force in Anguilla on July 1, 1975, and

(ii) was introduced from the sea into Anguilla without a certificate for introduction from the sea under section 20(2);

(b) the vessel that harvested the specimen is registered in Anguilla;

(c) the specimen was taken in the marine environment under the jurisdiction of Anguilla or in the marine environment not under the jurisdiction of any country;

(d) the specimen was taken in accordance with the other treaty, convention or international agreement, including any quota imposed thereby;

(e) the specimen is accompanied by any official document required under the other treaty, convention or international agreement;

(f) the scientific name of the species is the standard nomenclature in the Convention Appendices or the references adopted by the Conference of the Parties; and

(g) any live specimen will be prepared and shipped so as to minimize risk of injury, damage to health or cruel treatment of the specimen.

Export of specimen of Appendix III species

18. (1) The Management Authority may grant an export permit for a specimen of an Appendix III species that was listed in Appendix III on behalf of Anguilla to an applicant who meets the requirements of the regulations in relation to the permit if the Management Authority is satisfied that—

(a) the specimen was legally acquired;

(b) the scientific name of the species is the standard nomenclature in the Convention Appendices or the references adopted by the Conference of the Parties; and

(c) any live specimen will be prepared and shipped so as to minimize risk of injury, damage to health or cruel treatment of the specimen.

(2) The Management Authority may grant a certificate of origin to export a specimen of an Appendix III species that was not listed in Appendix III on behalf of Anguilla to an applicant who meets the requirements of the regulations in relation to the certificate of origin if the Management Authority is satisfied that—

(a) the specimen originated in Anguilla;

(b) the scientific name of the species is the standard nomenclature in the Convention Appendices or the references adopted by the Conference of the Parties; and

(c) any live specimen will be prepared and shipped so as to minimize risk of injury, damage to health or cruel treatment of the specimen.

Re-export of specimen of Appendix I, II or III species

19. (1) The Management Authority may issue a re-export certificate for a specimen of an Appendix I species to an applicant who meets the requirements of the regulations in relation to the certificate if the Management Authority is satisfied that—

(a) the specimen was legally imported or introduced into Anguilla;

(b) any live specimen will be prepared and shipped so as to minimize risk of injury, damage to health or cruel treatment of the specimen; and

(c) for a live specimen, other than a specimen of an Appendix I animal bred in captivity for commercial purposes or an Appendix I plant artificially propagated, an import permit relative to the specimen has been issued or the relevant authority of the state of import has confirmed in writing that the import permit will be issued.

(2) The Management Authority may issue a re-export certificate for a specimen of an Appendix II or III species, to an applicant who meets the requirements of the regulations in relation to the certificate if the Management Authority is satisfied that—

(a) the specimen was legally imported or introduced into Anguilla; and

(b) any live specimen will be prepared and shipped so as to minimize risk of injury, damage to health or cruel treatment of the specimen.

Introduction from the sea of specimen of Appendix I or II species

20. (1) The Management Authority may issue a certificate for introduction from the sea for a specimen of an Appendix I species to an applicant who meets the requirements of the regulations in relation to the certificate if—

(a) the Scientific Authority has advised that the proposed introduction from the sea would not be detrimental to the survival of the species; and

(b) the Management Authority is satisfied that—

(i) the specimen was taken in the marine environment not under the jurisdiction of any country,

(ii) in the case of a living specimen, the proposed recipient is suitably equipped to house and care for it,

(iii) the scientific name of the species is the standard nomenclature in the Convention Appendices or the references adopted by the Conference of the Parties,

(iv) any live specimen will be prepared and shipped so as to minimize risk of injury, damage to health or cruel treatment of the specimen, and

(v) the specimen will not be used for primarily commercial purposes.

(2) The Management Authority may issue a certificate for introduction from the sea for a specimen of an Appendix II species to an applicant who meets the requirements of the regulations in relation to the certificate if—

(a) the Scientific Authority has advised that the proposed introduction from the sea would not be detrimental to the survival of the species; and

(b) the Management Authority is satisfied that—

(i) the specimen was taken in the marine environment not under the jurisdiction of any country,

(ii) the scientific name of the species is the standard nomenclature in the Convention Appendices or the references adopted by the Conference of the Parties, and

(iii) any live specimen will be prepared and shipped so as to minimize risk of injury, damage to health or cruel treatment of the specimen.

Division 2

Trade with Non-Convention States and States Entering a Reservation

Trade with a Non-Convention State

21. (1) No person shall engage in trade of a specimen of an Appendix I, II or III species with a person in a Non-Convention State unless—

(a) the person complies with this Act and details of the competent authority and scientific institutions of the Non-Convention State are listed with the Secretariat; or

(b) the Management Authority, after consultation with the Secretariat, is satisfied that—

(i) the competent authority of the Non-Convention State is capable of issuing an import or export permit, re-export certificate or exemption certificate (howsoever named), that substantially conforms to the requirements of the Convention, and

(ii) the scientific institutions of the Non-Convention State are capable of advising that an export is not detrimental to the survival of the species.

(2) An import or export permit, re-export certificate, certificate of origin or an exemption certificate (howsoever named) issued by a Non-Convention State shall contain the following—

(a) the name, stamp and signature of the issuing competent authority;

(b) sufficient identification of the species for the purposes of the Convention;

(c) certification of the origin of the specimen, including the export permit number from the country of origin, or justification for omitting that certification;

(d) in the case of export from a Non-Convention State of a specimen of an Appendix I or II species, certification to the effect that—

(i) a competent scientific institution has advised that the export will not be detrimental to the survival of the species, and

(ii) the competent authority is satisfied that the specimen was legally acquired;

(e) in the case of re-export from a Non-Convention State, certification to the effect that the competent authority of the country of origin has issued an export document that substantially meets the requirements of Article VI of the Convention;

(f) in the case of export or re-export of live specimens from a Non-Convention State, certification to the effect that they will be transported in a manner that will minimize the risk of injury, damage to health or cruel treatment;

(g) in the case of import to a Non-Convention State, certification to the effect that the import will be for purposes that are not detrimental to the survival of the species.

(3) A specimen of an Appendix I, II or III species that is in transit through Anguilla that originated in a Non-Convention State, is bound for a Non-Convention State, or both, must be accompanied by the following documents—

(a) unless trade in the specimen qualifies for a general exemption, a valid original import permit, export permit, re-export certificate or exemption certificate (howsoever named) issued by a competent authority of the Non-Convention State and that substantially conforms to the requirements of the Convention, or a copy of such a document; and

(b) transportation and routing documents that show that the specimen has been consigned to the same importer and state of final destination as designated on the documents referred to in paragraph (a).

(4) A person who has control of a specimen that is in transit through Anguilla shall—

(a) present the documents referred to in subsection (3) for inspection and verification by an enforcement officer upon the specimen's arrival in Anguilla; and

(b) ensure that the specimen is securely marked or identified in such a way that the enforcement officer can verify that the documents and the specimen correspond.

(5) An enforcement officer may seize a specimen in transit that is not accompanied by valid documents referred to in subsection (3) and the specimen is liable to forfeiture.

(6) In this section, "general exemption" has the same meaning as in the regulations.

Trade with a Non-Convention State in specimen of Appendix I species

22. (1) A specimen of an Appendix I species of wild origin may not be imported from or exported or re-exported to a Non-Convention State except in extraordinary circumstances where, after consultation with the Secretariat, the Management Authority determines that the proposed activity benefits the conservation of the species or provides for the welfare of the specimen.

(2) A specimen of an Appendix I species that is artificially propagated or bred in captivity may not be imported from a Non-Convention State unless, on consultation with the Secretariat, the Management Authority receives favourable advice in respect of the proposed activity.

Trade with a Convention State that has entered a reservation for a species

23. (1) Subject to subsection (2), for the purposes of this Act, trade in a specimen of a species with a Convention State that has entered a reservation for that species will be treated as if it were trade with a Non-Convention State.

(2) To import to Anguilla a specimen of an Appendix I species from a Convention State that has entered a reservation for that species, section 15(1) applies.

PART 5

ENFORCEMENT MEASURES

Definitions

24. In this Part—

"land" means land as defined in the Registered Land Act;

"registered owner", in relation to land, means the proprietor registered as owner of an estate in fee simple in the land.

Powers of police officers

25. (1) A police officer has all the powers of an enforcement officer when enforcing this Act.

(2) Nothing in subsection (1) limits the powers of a police officer to enforce this Act under any other law.

Enforcement officers

26. (1) The Minister may in writing designate any person or class of persons as enforcement officers for the purposes of this Act.

(2) The Minister may not designate a public officer in a department for which another minister is responsible unless that other minister agrees to the designation.

(3) The Director is *ex officio* an enforcement officer for the purposes of this Act.

(4) For the purposes of this Act, an enforcement officer has all the powers of a police officer, but the Minister may in writing specify limits on those powers when designating any person or class of persons to act as enforcement officers.

(5) For the purpose of investigations and other law enforcement activities under this Act, an enforcement officer who is performing his or her functions under this Act, or a person acting under the direction and control of that enforcement officer, does not commit an offence against this Act.

Identification card

27. (1) The Minister shall furnish the Director and each person designated as an enforcement officer an identification card and, on entering any place in the performance of his or her functions under this Act, the enforcement officer shall, on request, produce the identification card and identify and explain the nature of the function the enforcement officer wishes to perform.

(2) The identification card remains the property of the Government.

(3) A person to whom an identification card is issued shall return it to the Minister without delay upon request.

Use of assistants

28. An enforcement officer may enlist the assistance of any person whom he or she considers necessary and the person enlisted may assist the enforcement officer in the course of performing his or her functions under this Act.

Production of Convention document or licence

29. (1) When an enforcement officer believes that a person is engaged in or may have engaged in an activity for which a Convention document or licence is required, the enforcement officer may require that person to produce the Convention document or licence authorizing the person to engage in that activity.

(2) A person who is engaged in or has engaged in an activity for which a Convention document or licence is required shall without delay comply with the requirement of the enforcement officer.

Inspections

30. (1) For the purpose of ensuring compliance with this Act, an enforcement officer may, subject to subsection (3), at any reasonable time enter and inspect any place in which the enforcement officer believes, on reasonable grounds, there is any thing to which the Act applies or any document relating to its administration, and the enforcement officer may—

(a) open or cause to be opened any container that the enforcement officer believes, on reasonable grounds, contains that thing or document;

(b) inspect the thing, including conducting tests or taking measurements, and take samples free of charge;

(c) require any person to produce the document for inspection or copying, in whole or in part; and

(d) seize any thing by means of or in relation to which the enforcement officer believes, on reasonable grounds, the Act has been contravened or that the enforcement officer believes, on reasonable grounds, will provide evidence of a contravention.

(2) For the purposes of carrying out an inspection, an enforcement officer may stop a vehicle, aircraft or vessel or direct that it be moved to a place where the inspection can be carried out.

(3) An enforcement officer may not enter a dwelling place except with the consent of the registered owner or person in possession or occupation of the dwelling place or under the authority of a warrant.

(4) On an *ex parte* application, the Magistrate may issue a warrant, subject to any conditions specified in it, authorizing an enforcement officer to enter a dwelling place, if the Magistrate is satisfied by information on oath that—

(a) the conditions for entry described in subsection (1) exist in relation to the dwelling place;

(b) entry to the dwelling place is necessary for the purposes of the administration of this Act; and

(c) entry to the dwelling place has been refused or there are reasonable grounds for believing that entry will be refused.

(5) On an *ex parte* application, the Magistrate may issue a warrant, subject to any conditions specified in it, authorizing an enforcement officer to enter a place other than a dwelling place, if the Magistrate is satisfied by information on oath that—

(a) the conditions for entry described in subsection (1) exist in relation to that place;

(b) entry to that place is necessary for the purposes of the administration of this Act;

(c) entry to that place has been refused, the enforcement officer is not able to enter without the use of force or the place was abandoned; and

(d) subject to subsection (6), all reasonable attempts were made to notify the registered owner or person in possession or occupation of that place.

(6) The Magistrate may waive the requirement to give notice referred to in subsection (5) if the Magistrate is satisfied that attempts to give the notice would be unsuccessful because the registered owner or person in possession or occupation of that place is absent from Anguilla or that it is not in the public interest to give the notice.

(7) In executing a warrant issued under subsection (4) or (5), an enforcement officer may not use force unless the use of force has been specifically authorized in the warrant.

(8) In carrying out an inspection of a place under this section, an enforcement officer may—

(a) use or cause to be used any computer system at the place to examine any data contained in or available to the computer system;

(b) reproduce any record or cause it to be reproduced from the data in the form of a printout or other intelligible output;

(c) take a printout or other output for examination or copying; and

(d) use or cause to be used free of charge any copying equipment at the place to make copies of the record.

(9) A person in possession or occupation of a place being inspected under this section shall permit the enforcement officer to do anything referred to in subsection (8).

(10) When an enforcement officer is required to inspect, take samples from or seize a live specimen under this section, the enforcement officer shall exercise reasonable care to perform the inspection, take the sample or seize the specimen in a manner that minimizes the risk of injury, damage to health or cruel treatment of the specimen.

Failure to stop or remove vehicle, aircraft or vessel for inspection

31. (1) An operator of a vehicle, pilot of an aircraft or master of a vessel shall stop the vehicle, aircraft or vessel when requested to do so by an enforcement officer who is readily identifiable as an enforcement officer.

(2) An operator of a vehicle, pilot of an aircraft or master of a vessel shall move the vehicle, aircraft or vessel to a place for inspection when requested to do so by an enforcement officer who is readily identifiable as an enforcement officer.

Assistance by occupants to enforcement officers

32. A person in possession or occupation of a place entered by an enforcement officer under section 30 or a vehicle, aircraft or vessel stopped by an inspector under section 31, and every person found in the place or in the vehicle, aircraft or vessel shall—

(a) give the enforcement officer all reasonable assistance that the enforcement officer may reasonably require to enable the enforcement officer to perform his or her functions under this Act; and

(b) provide the enforcement officer with any information in relation to the administration of this Act that the enforcement officer may reasonably require.

Obstruction of enforcement officer or person enlisted to assist officer

33. When an enforcement officer is performing his or her functions under this Act, no person shall—

(a) knowingly make any false or misleading statement, orally or in writing, to the enforcement officer or any person enlisted to assist the enforcement officer; or

(b) otherwise obstruct or hinder the enforcement officer or any person enlisted to assist the enforcement officer.

Custody and disposition of things seized

34. (1) If an enforcement officer seizes a thing under this Act, he or she shall, as soon as practicable—

(a) when the enforcement officer is satisfied—

(i) that there is no dispute as to who is the lawful owner or the person lawfully entitled to possession of the thing seized,

(ii) that possession by the lawful owner or person lawfully entitled to possession will not contravene the purpose or policy of this Act or of the Convention, and

(iii) that the continued detention of the thing seized is not required for the purposes of any investigation or a preliminary inquiry, trial or other proceeding,

return the thing seized, on being issued a receipt for it, to the lawful owner or the person lawfully entitled to its possession; or

(b) when the enforcement officer is not satisfied as described in subparagraphs (a)(i), (ii) and (iii)—

(i) bring the thing seized before the Magistrate, or

(ii) report to the Magistrate that he or she has seized the thing and is detaining it or causing it to be detained,

to be dealt with by the Magistrate in accordance with subsection (2).

(2) When anything that has been seized is brought before the Magistrate or a report is made to the Magistrate, the Magistrate shall—

(a) if—

(i) the lawful owner or person who is lawfully entitled to possession of the thing seized is known, and

(ii) possession by the lawful owner or person lawfully entitled to possession will not contravene the purpose or policy of this Act or of the Convention,

order it to be returned to that owner or person, unless the prosecutor or enforcement officer satisfies the Magistrate that the detention of the thing seized is required for the purposes of any investigation or a preliminary inquiry, trial or other proceeding; or

(b) if the prosecutor or enforcement officer satisfies the Magistrate that the thing seized should be detained for a reason set out in paragraph (a), order that it be detained, taking reasonable care to ensure that it is preserved until the latest of the following events—

(i) the conclusion of any investigation,

(ii) it is required to be produced for the purposes of a preliminary inquiry, trial or other proceeding,

(iii) the investigation, preliminary inquiry, trial or other proceeding is discontinued,

(iv) the preliminary inquiry, trial or other proceeding is concluded, or

(v) the thing is forfeited or abandoned.

(3) If the lawful ownership of or entitlement to the seized thing cannot be ascertained within 30 days after its seizure, the Magistrate may order that the thing or any proceeds of its disposition are forfeited to the Crown.

(4) The lawful owner of a seized thing may abandon it to the Crown.

(5) If the seized thing is perishable, the enforcement officer may dispose of it in accordance with the direction of the Management Authority, and any proceeds of its disposition shall be paid to the lawful owner or person lawfully entitled to possession of the thing, unless proceedings under this

Act are commenced within 90 days after its seizure, in which case the proceeds shall be retained by the enforcement officer pending the outcome of the proceedings.

(6) An enforcement officer who seizes a live specimen shall, without delay, deliver the specimen into the custody of the Management Authority, who shall arrange for its maintenance in a manner that minimizes the risk of injury, damage to health or cruel treatment of the specimen.

Disposition of forfeited or abandoned things

35. (1) Subject to subsection (2), anything that has been forfeited or abandoned under this Act is to be dealt with and disposed of as the Management Authority may direct.

(2) When a live specimen is forfeited or abandoned, the Management Authority, after consultation with the Scientific Authority, may direct how the specimen is to be disposed of, including—

(a) in the case of a specimen of an Appendix I, II or III species—

(i) if the specimen is capable of surviving, return to the wild within the historical range of the species, unless release poses an imminent danger to public health or safety,

(ii) maintenance in captivity,

(iii) use of the specimen for law enforcement, judicial, or forensic purposes,

(iv) re-export, if the re-export is for one of the following purposes—

(A) the return of the specimen to the Management Authority of the country of export,

(B) placement of the specimen in a rescue centre,

(C) use of the specimen for law enforcement, judicial, or forensic purposes, or

(v) euthanasia; or

(b) in the case of a specimen of an Appendix II or III species, in a manner that benefits enforcement and administration of the Convention.

Liability for costs

36. The lawful owner and any person lawfully entitled to possession of any thing seized, forfeited or abandoned under this Act and who has been convicted of an offence under this Act in relation to that thing, are jointly and severally liable for all the costs of inspection, seizure, abandonment, forfeiture or disposition incurred by the Crown in excess of any proceeds of disposition of the thing that has been forfeited to the Crown.

Application for investigation

37. (1) Any 2 persons ordinarily resident in Anguilla who are not less than 18 years of age and who are of the opinion that an offence has been committed under this Act may apply to the Minister to have an investigation of the alleged offence conducted.

(2) The application shall be accompanied with a sworn affidavit—

(a) stating the names and addresses of the applicants;

(b) stating the nature of the alleged offence and the name of each person alleged to be involved in its commission, if known; and

(c) containing a concise statement of the evidence supporting the allegations of the applicants.

Investigation on receipt of application

38. (1) On receipt of an application under section 37, the Management Authority shall acknowledge receipt of the application and shall cause all matters that it considers necessary to determine the facts relating to the alleged offence to be investigated.

(2) Within 90 days after receiving the application, the Management Authority shall report to the applicant on the progress of the investigation and the action, if any, proposed to be taken in respect of the alleged offence.

(3) The Management Authority may discontinue an investigation if it is of the opinion that the alleged offence does not require further investigation.

(4) When an investigation is discontinued, the Management Authority shall—

(a) prepare a written statement setting out the reasons for discontinuing the investigation; and

(b) send a copy of the statement to the applicants and to any person whose conduct was investigated.

PART 6

OFFENCES AND PENALTIES

Offences and penalties

39. (1) A person who—

(a) knowingly provides false or misleading information in or with respect to a Convention document or licence;

(b) contravenes a term or condition of a Convention document or licence;

(c) contravenes section 13(1) or 13(2);

is guilty of an offence punishable on summary conviction.

(2) A person who is guilty of an offence referred to in subsection (1) is liable—

(a) in the case of a corporation, other than a non-profit corporation, to a fine of $50,000;

(b) in the case of a non-profit corporation, to a fine of $10,000; and

(c) in the case of any other person, to a fine of $25,000 or to imprisonment for a term of one year or to both.

(3) A person who contravenes section 29(2), 31(1) or (2), 32 or 33 or a provision of the regulations that establishes an offence is guilty of an offence punishable on summary conviction and is liable—

(a) in the case of a corporation, other than a non-profit corporation, to a fine of $20,000;

(b) in the case of a non-profit corporation, to a fine of $5,000; and

(c) in the case of any other person, to a fine of $10,000 or to imprisonment for a term of one year, or to both.

(4) If a person is convicted of an offence under subsection (1) or (3) a subsequent time, the amount of the fine for the subsequent offence may be double the amount set out in the subsection under which the person is convicted.

(5) If a person is convicted of an offence and the Magistrate is satisfied that a monetary benefit accrued to the person as a result of the commission of the offence, the Magistrate may order the person to pay an additional fine in an amount equal to the Magistrate's estimation of the amount of the monetary benefit, which additional fine may exceed the maximum amount of any fine that may otherwise be imposed under this Act.

Liability of officers, directors and agents

40. If a corporation commits an offence, any officer, director or agent of the corporation who directed, authorized, assented to, or acquiesced or participated in, the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence, whether or not the corporation has been prosecuted or convicted.

Vicarious liability

41. (1) In any prosecution for an offence, the accused may be convicted of the offence if it is established that it was committed by an employee or agent of the accused acting in the course of his or her employment or agency, whether or not the employee or agent has been prosecuted for the offence.

(2) No person shall be convicted of an offence under subsection (1) if that person establishes on a balance of probabilities that he or she took all reasonable steps to prevent the commission of the offence by the employee or agent.

Forfeiture on conviction

42. (1) If a person is convicted of an offence, the Magistrate may, in addition to any punishment imposed, order that any seized thing by means of or in relation to which the offence was committed, or any proceeds of its disposition, be forfeited to the Crown.

(2) If the Magistrate does not order forfeiture, the seized thing, or any proceeds of its disposition, shall be returned to its lawful owner or the person lawfully entitled to it.

Retention of seized thing or proceeds

43. If a fine is imposed on a person convicted of an offence, any seized thing, or any proceeds of its disposition, may be retained until the fine is paid or the thing may be sold in satisfaction of the fine and the proceeds applied, in whole or in part, to payment of the fine.

Orders of the Magistrate

44. If a person is convicted of an offence, the Magistrate may, in addition to any punishment imposed and having regard to the nature of the offence and the circumstances surrounding its commission, make an order having any or all of the following effects—

(a) prohibiting the person from doing any act or engaging in any activity that could, in the opinion of the Magistrate, result in the continuation or repetition of the offence;

(b) directing the person to take any action that the Magistrate considers appropriate to remedy or avoid any harm that resulted or may result from the commission of the offence;

(c) directing the person to publish, in any manner that the Magistrate considers appropriate, the facts relating to the commission of the offence;

(d) on application to the Magistrate by the Management Authority within 3 years after the conviction, directing the person to submit to the Management Authority any information about the activities of the person that the Magistrate considers appropriate;

(e) directing the person to pay the Government for all or any of the cost of remedial or preventive action taken, or to be taken, by or on behalf of the Management Authority as a result of the commission of the offence;

(f) directing the person to pay, in the manner prescribed by the Magistrate, an amount for the purpose of conducting research into the protection of the species in respect of which the offence was committed;

(g) directing the person to pay, in the manner prescribed by the Magistrate, an amount to an educational institution for scholarships for students enrolled in marine biological, zoological or horticultural studies;

(h) directing the person to post a bond or pay into the Magistrate's Court an amount that the Magistrate considers appropriate for the purpose of ensuring compliance with any prohibition, direction or requirement under this section;

(i) requiring the person to comply with any other conditions that the Magistrate considers appropriate for securing the person's good conduct and for preventing the person from repeating the offence or committing other offences.

Limitation period

45. (1) A prosecution for an offence under this Act punishable on summary conviction may not be commenced more than 5 years after the later of—

(a) the day on which the offence was committed; or

(b) the day on which evidence of the offence first came to the attention of the Management Authority.

(2) A document appearing to have been issued by the Management Authority certifying the day on which the subject-matter of any proceedings became known to it, is admissible in evidence without proof of the signature or official character of the person appearing to have signed the document and, in the absence of evidence to the contrary, is proof of the matter asserted in it.

Application of Customs Act

46. (1) For greater certainty, this Act is an assigned matter within the meaning of section 1 of the Customs Act.

(2) Subject to the regulations, the Customs Act applies, with appropriate changes as the circumstances require, to the enforcement of this Act.

PART 7

MISCELLANEOUS

Regulations

47. (1) The Governor in Council, on the advice of the Management Authority, may make regulations for the better administration of this Act, including regulations—

(a) determining when the non-commercial aspects of an activity do not clearly predominate for the purpose of the definition of "primarily commercial purposes" in section 1;

(b) respecting exemptions from—

(i) the offences set out in section 13, or

(ii) the requirements of Part 4;

(c) respecting licensing of—

(i) scientific institutions,

(ii) artificial propagation operations, or

(iii) captive breeding operations;

(d) respecting all aspects of Convention documents or classes of Convention documents and licences or classes of licences, including—

(i) applications, the eligibility and qualifications of applicants and determinations to be made in relation to applications,

(ii) the issue of Convention documents and licences and the imposition of terms or conditions on them,

(iii) if the number of Convention documents is limited, how many of each class will be issued and how those issued will be allocated, and

(iv) amending Convention documents or licences, the period of validity of Convention documents or licences, the cancellation and suspension of Convention documents or licences, the use, carrying, display, production of and property in Convention documents or licences;

(e) fixing fees for applications for and issue of Convention documents or licences or classes of Convention documents or licences and for replacements of Convention documents or licences;

(f) establishing exemptions from fees;

(g) respecting the replacement of a Convention document or licence;

(h) respecting records to be kept and returns to be made;

(i) respecting reconsideration of and appeal from a decision in relation to a Convention document or licence;

(j) defining the word "present", in relation to convention documents, for the purposes of enforcement of this Act under the Customs Act;

(k) respecting the application of the Customs Act to the enforcement of this Act including amending, adding to, deleting or replacing any provision of the Customs Act in relation to its application to the enforcement of this Act;

(l) respecting property seized in accordance with this Act, including return of property and the disposition of property;

(m) respecting any recommendation made by resolution of the Conference of the Parties;

(n) generally, for the better administration of this Act or implementation of the Convention.

(2) The Governor in Council may, in the one year period after 1 November 2009, make such transitional regulations as he or she considers appropriate and may make them retroactive to that date.

(3) A regulation may provide that a contravention of any of its provisions is an offence.

Immunity

48. (1) No action for damages may be commenced against—

(a) a person who is an employee or agent of, or is under contract to, the Government;

(b) a person who is enlisted to assist an enforcement officer under section 28;

(c) a government agency to which, or an employee of a government agency to whom, a function has been delegated under section 7(1)(b) or a person who is an agent of, or is under contract to, a government agency; or

(d) a government agency or other entity or—

(i) a person who is a director or officer of, or

(ii) an employee or agent of, or a person who is under contract to,

a government agency or other entity, when there has been a transfer of administration under section 8;

for anything done or not done by that person in good faith while performing that person's or entity's functions under this Act.

(2) Subsection (1) does not, by reason of section 4(1) and (4) of the Crown Proceedings Act, relieve the Crown of liability in respect of a tort committed by any person referred to in subsection (1) to which the Crown would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted.

Citation

49. This Act may be cited as the Trade in Endangered Species Act, Revised Statutes of Anguilla, Chapter T27.

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