

CAYMAN ISLANDS



MOSQUITO (RESEARCH AND CONTROL) LAW

(2007 Revision)

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Law 16 of 1966-8th October, 1966

Law 27 of 1968-15th October, 1968

Law 18 of 1969-19th December, 1969

Law 5 of 1974-6th June, 1974

Law 9 of 2006-1st June, 2006.

Consolidated and revised this 19th day of June, 2007.

Note (not forming part of the Law): This revision replaces the 1998 Revision which should now be discarded.



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Short title

1. This Law may be cited as the *Mosquito (Research and Control) Law (2007 Revision)*.

Definitions

2. In this Law —

“**basic value**” means the value of swamp area provided for in paragraph (b) of section 17;

“**chemical methods of control**” means the disposal of agents toxic to the mosquito by means of spray, fog or dust delivered from aircraft, land vehicles and manually;

“**commercial premises**” means a building other than a domestic building including stores, shops, offices and warehouses;

“**control area**” means a part of the Islands in which routine or permanent measures are taken to achieve eradication of mosquitoes;

“**Director**” means the director of the Unit and persons acting under his authority;

“**domestic premises**” means buildings used for human habitation;

“**empolder**” means to contain a swamp area (the polder) by means of dykes and then to flood it;

“**enhanced value**” means the sum remaining after deducting the basic value from the purchase price of land sold in a swamp area;

“**experimental control area**” means a part of the Islands subject to experimental control for assessment of its value;

“**Fund**” means the Mosquito Abatement Fund established under section 3(1);

“**Governor**” means the Governor in Cabinet;

“**inspect**” includes the entry upon premises in order to ascertain the presence of mosquitoes whether in water or otherwise and the collection thereof by hand and by traps;

“**member of the Unit**” includes the Director and all his subordinates in the Unit;

“**owner**” includes a developer;

“**physical methods of control**” means the use of techniques to effect a change in mosquito habitat in order to reduce their numbers and includes drainage, empoldering and reclamation;

“**premises**” includes land areas which may or may not be built on other than those occupied by commercial and domestic premises;

“**reclamation**” means raising the land level above flooding, either by dumping, canalisation, spoil transfer or hydraulic dredging and transfer;

“**ship**” means a yacht, speed boat and every other description of vessel used in navigation, not exclusively propelled by oars;

“**survey**” includes the entry upon and clearance of land for the purpose of establishing alignment of canals, dykes and approach roads and location of swamp and other inaccessible areas;

“**swamp area**” means land subject to permanent or intermittent flooding and supporting mangrove, buttonwood and other halophytic vegetation;

“**unoccupied land**” includes vacant and temporarily vacated land not being commercial or domestic premises; and

“**Unit**” means the Mosquito Research and Control Unit established under section 3.

Establishment of Unit and Fund

3. (1) There is established the Mosquito Research and Control Unit for the Islands consisting of a Director and such other persons as may, from time to time, be employed in its service.
- (2) There is established, under the control of the Financial Secretary, the Mosquito Abatement Fund, into which are paid monies realised from time to time from the sale or development of lands placed under physical control or reclaimed by the Government under this Law. The fund is used to help further the purposes of this Law.



Inspection of premises

4. Members of the Unit have access at any time to any premises, whether fenced or not, in order to inspect or survey the same and their ancillary domestic structures.

Inspection and spraying of buildings

5. A member of the Unit carrying an identification card signed by the Director shall have access to domestic and commercial premises in the presence of the owner or occupier to inspect them during daylight hours and apply approved insecticide there as the Director may deem desirable.

Inspection of refuse dumps

6. Members of the Unit have access at all times to inspect domestic and commercial refuse dumps.

Vessels containing water

7. Owners and occupiers of premises, including domestic and commercial premises, shall place all tanks, drums, vats or other receptacles for the storage of water in such a position that they are reasonably accessible for inspection.

Owner or occupier to show wells, etc.

8. Owners and occupiers of premises shall show, on request by a member of the Unit, the position of outlying wells and other permanent or semi-permanent collections of water thereupon.

Location of traps and instruments

9. The Director may direct that traps or instruments for the study or control of mosquitoes shall be placed on premises. If their positioning creates a substantial obstruction the owner or occupier may request their removal to a more convenient location and the Director shall do his best to meet such request, subject to an appeal to the Governor, whose decision shall be final. Whoever wilfully destroys, damages, removes or otherwise interferes with any such traps or instruments is guilty of an offence.

Bush clearing on premises

10. Owners or occupiers of premises shall keep trimmed and cut all trees, shrubs, plants and rank grass from their premises in order to discourage mosquito resting and increase the efficiency of methods of control.

Disposal of breeding places

11. Owners and occupiers of premises shall clear and keep them clear of bottles, tins, rubber tyres, wrecked automobiles and all other articles liable to collect water and act as breeding places.



Mosquito-proofing of cisterns, etc.

12. Owners and occupiers of premises, including domestic and commercial premises, shall mosquito-proof and maintain such proofing to all inlets and outlets of water cisterns, septic tanks and pit latrines.

Land survey and trace cutting

13. The Unit may enter and survey premises in order to establish access and lay down trace lines for future development by mechanical equipment.

Power to remedy unsatisfactory conditions

14. (1) The Director may cause notice in writing to be served on the owners and occupiers of premises, including domestic and commercial premises, or on the person responsible for any refuse dump, where such owner, occupier or person responsible can be found, specifying the conditions found favourable for mosquito breeding and requiring the remedying of the same within such period as may be stated in the notice. Whoever on receipt of such notice fails to comply therewith is guilty of an offence.
- (2) If such owner, occupier or person responsible cannot be found or if the Director thinks fit, in lieu of or in addition to proceedings for a breach of this section, a member of the Unit may enter upon the premises or refuse dump and execute such works as were mentioned in the notice as may be necessary for mosquito control, and the expenses of executing such works may be recovered by the Director in a civil suit against such owner, occupier or person responsible.

Declaration of a control area

15. The Governor may, by Notice published in the Gazette, declare any part of the Islands to be an experimental control area or a control area.

Method of treatment

16. Experimental control areas and control areas are liable to treatment by either physical or chemical methods of control or by both methods of control at the discretion of the Director.

Physical control methods in swamp areas

17. Where physical methods of control are planned in swamp areas —
- (a) the particular area in which physical control is planned shall be declared a physical controlled area by a Notice published in the Gazette;
 - (b) swamp areas within that area shall be valued by the Governor at current market prices or, if no current market prices exist, shall be assessed by the Governor at a fair and reasonable price before any operations begin, and any such valuation or assessment shall be final and the Governor shall, if requested, seek advice in arriving at a current market price;



- (c) all owners of swamp areas within that area shall mark their property boundaries by cutting traces and sign-posting, and after the expiration of a period of three months following the date of the relevant Notice the ownership of all unmarked lands shall pass by default to the Government, but the Governor may extend time in this connection;
- (d) when an area has been declared a physical control area, reclamation may not be undertaken within that area by an owner unless permission of the Central Planning Authority or the Development Control Board, and that of the Director, has first been obtained, and the Director may call for such information as he may think necessary in order to satisfy himself that the type of reclamation proposed will not interfere with the physical control methods planned for that area, and may specify a time limit, within which reclamation shall be completed and, in any case, permission shall not be granted unless both the planning authority and the Director are satisfied that the reclamation proposed will be completed within the time limit specified and will conform with the physical control methods planned; and
- (e) if reclamation is not completed within the time limit specified, or earlier, if the Director is satisfied that no reclamation is being undertaken or that such reclamation as is being undertaken does not conform with the physical control methods planned and that the owner will not remedy the same so as to conform, then the swamp area in question may be empoldered by the Government, either at Government's expense or the expense of the owner as the Governor may think fit, and ownership in such empoldered lands shall vest in the Government, and such land may be sold by the Government, any right, title or interest of the owner therein having ceased and determined, but the former owner shall be compensated for the loss of his right, title or interest in such land by being paid the basic value and half the enhanced value, if any, after first deducting the expenses incurred by Government, if any, in empoldering such land, and the balance of the purchase price shall be paid into the Fund.

Empoldered land sold at enhanced value

- 18.** When swampland (not being swampland which has been empoldered by Government under section 17(e) or swampland the ownership of which has passed to Government under section 17(c)) is empoldered by Government and that land is, at any time, sold by the owner at an enhanced value, the enhanced value shall be shared in equal moieties between the owner and Government after first deducting from the owner's moiety the expenses incurred by Government, if any, in empoldering such land, and Government's moiety and any expenses as aforesaid shall be paid into the Fund, and any moiety and expenses so due and owing to Government may be sued for by the Director as a civil debt.

Reimbursement to Government of cost of empoldering

19. When an owner retains a swamp area which has been improved by Government by empoldering, Government is entitled to reimburse itself against the expenses incurred in empoldering such land and may claim the same against the owner as a civil debt to be sued for by the Director, any sums recovered being paid into the Fund.

Compensation

20. When any swamp area is reclaimed by Government, whether it is swamp area which has passed by default to Government under section 17(c) or otherwise, the ownership in such reclaimed land shall vest in Government and such land may be sold by Government, any right, title or interest of the owner therein having ceased and determined but the former owner shall be compensated for the loss of his right, title or interest in such land by being paid the basic value and half the enhanced value, if any, after first deducting the expenses incurred by Government in reclaiming such land, and the balance of the purchase price shall be paid into the Fund.

Breaching boundary fences and right of way

21. The Unit has right of way by the shortest route through undeveloped property to gain access to swamp areas for heavy equipment, notwithstanding that this involves opening existing boundary fences, but it is the responsibly of the Unit to make good any resulting damage.

Restriction on certain imports

22. (1) The import in bulk of pure insecticide is prohibited unless the written permission of the Director is first obtained.
- (2) The import of vegetal matter is prohibited unless the written permission of the Director is first obtained.
- (3) Persons desiring to import vegetal matter shall —
- (a) apply in writing for permission to the Director stating the nature of the matter, the quantity and the proposed place of import; and
 - (b) inform the Director and the Chief Agricultural and Veterinary Officer of the date and mode of arrival of such matter.
- (4) Whoever contravenes this section is guilty of an offence and liable on summary conviction to a fine of one hundred dollars and to imprisonment for six months, and the subject matter of the offence shall be forfeited to the Director.

Private fogging, etc.

23. The outdoor application of any insecticide on private or public buildings is restricted to those buildings, and the operators may only use insecticides obtained from the Director.



Use of insecticides and techniques

- 24.** The use by any person other than a member of the Unit of any new insecticide or technique for purposes of large-scale testing or control is prohibited except with the permission in writing of the Director who may impose conditions in that behalf.

Disinsection of aircraft and ships

- 25.** (1) All aircraft and ships calling at the Islands (inter-island craft included) may, in the discretion of the Director or such other person as may be generally or specifically authorised by him in that behalf, be disinfected on arrival, either on landing or when boarded by Immigration, a fee to be prescribed by Regulation by the Governor for an aircraft or ship being levied to defray the costs of this service, which may be recovered from the owner of such ship or aircraft as a civil debt at the suit of the Director.
- (2) Agents for all ships and operators of marinas hosting sea-going vessels either calling at Grand Cayman or operating from Grand Cayman shall —
- (a) register their names and the names of the ships they represent with the Unit;
 - (b) from time to time inform the Unit of any change of representation in respect of any ship or the name of any additional ship for which they may act as agent;
 - (c) report to the Unit the estimated time at which any ship they represent will be arriving in Grand Cayman;
 - (d) ensure that any ship arriving between the hours of 10 p.m. and 6 a.m. shall anchor off-shore from George Town Harbour:

Provided that any ships arriving in George Town on Sundays and Public Holidays may be disinfected by arrangement with the Unit:

Provided further that any additional expenses incurred thereby shall be paid by the Agent;

- (e) ensure that all hatches of any ship arriving in Grand Cayman remain closed until disinsection has been completed;
- (f) so instruct the Master of any ship arriving in Grand Cayman, except a tanker, that such ship makes its first landfall, weather permitting, at the port of George Town, except where special permission to the contrary has been granted by the Unit;
- (g) ensure that any ship making regular visits to Grand Cayman which is not in the possession of a current certificate of disinsection approved by the Unit, be sprayed by the Unit with residual sprays at three calendar monthly intervals:

Provided that the cost of any material and labour expended by the Unit in such residual spraying shall be paid by the Agent;



- (h) ensure that ship-borne water vessels are fully mosquito-proofed; and
 - (i) deliver to customs all containers and things capable of retaining water to be quarantined for disinsection (in default, such vessels will be treated with insecticide at the time of inspection thereof).
- (3) Whoever contravenes subsection (2) is guilty of an offence and liable on summary conviction to a fine of five hundred dollars and in default of payment or in lieu of such fine to imprisonment for six months or both.
- (4) In this section, reference to an aircraft or ship includes containers, motor vehicles and other things aboard an aircraft or ship.

Obstruction of members of the Unit

- 26.** Whoever assaults, resists, obstructs or uses abusive language to any member of the Unit while acting in the execution of his duty under this Law is guilty of an offence.

Offences

- 27.** Whoever contravenes this Law is guilty of an offence and, where no penalty is specifically provided, liable on summary conviction to a fine of two hundred dollars and to imprisonment for twelve months, and in the case of a continuing offence, to a further fine of ten dollars for each day the offence continues.

Regulations

- 28.** The Governor may make regulations for the better carrying out of this Law including —
- (a) controlling the use by the public of roads and dykes constructed by the Unit;
 - (b) prescribing the minimum depth of fill in reclaimed areas and ensuring that soil levels are maintained above minimum depth in reclaimed areas;
 - (c) regulating the design, construction and maintenance of marinas, canals, islands and causeways; and
 - (d) prescribing fees to be levied for the disinsection of aircraft and ships.



**Publication in consolidated and revised form authorised by the Governor in Cabinet
this 19th day of June, 2007.**

Carmena Watler
Clerk of Cabinet

Note: See s.4 of [Law 9 of 2006] regarding certain validation and transitional provisions.