

THE ENDANGERED SPECIES (PROTECTION,
CONSERVATION AND REGULATION OF TRADE) ACT

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THE ENDANGERED SPECIES (PROTECTION
CONSERVATION AND REGULATION OF TRADE) ACT

Act
6 of 2000.

[17th March, 2000.]

Preliminary

1. This Act may be cited as the Endangered Species (Protection, Conservation and Regulation of Trade) Act. Short title.

2.—(1) In this Act— Interpretation

"animal" means any member of the animal kingdom other than man, whether alive or dead;

"animal reproductive material" means—

- (a) an egg, sperm or embryo of an animal; and
- (b) any other part or product of an animal from which another animal can be produced;

"animal specimen" means—

- (a) any animal;
- (b) any animal reproductive material;
- (c) the flesh, skin, bone, blood, scales, feathers, horns or shell of any animal; and
- (d) any readily recognizable part,

of a species or any derivative thereof specified in the First, Second, Third or Fourth Schedule; First, Second,
Third or
Fourth
Schedule.

"Appendix" means an Appendix to the Convention and Appendices shall be construed accordingly;

"approved scientific institution" means an institution declared by the Management Authority under section 8 to be an approved scientific institution in relation to a particular specimen or class of specimens;

"article" includes a substance or mixture of substances;

"artificial propagation" has the meaning assigned to it in section 11;

"authorized officer" means—

- (a) any person designated as such by the Natural Resources Conservation Authority;
- (b) any customs officer;
- (c) any Game Warden approved as such under the Wild Life Protection Act;
- (d) any member or officer of the Jamaica Constabulary Force or the Jamaica Defence Force;
- (e) any person designated—
 - (i) a Fishery Inspector under the Fishing Industry Act;
 - (ii) a Marine Officer under the Exclusive Economic Zone Act and the Maritime Areas Act;
 - (iii) an Inspector under the Aquaculture, Inland and Marine Products and By-Products (Inspection, Licensing and Export) Act;
- (f) any person appointed a forest officer under the Forestry Act;
- (g) any person appointed a park manager or designated a national park ranger under the Natural Resources (National Parks) Regulations, 1993;
- (h) any person appointed a marine park manager or designated a marine park ranger under the Natural Resources Conservation (Marine Parks) Regulations, 1992,

and any other person acting in aid of such person acting in the execution of his office or duty shall be deemed to be an officer acting in the execution of his office or duty;

"bred in captivity" means born or otherwise produced in a clinical or controlled environment of an offspring of any animal or any animal reproductive material—

- (a) that mated or otherwise transferred gametes in a controlled environment where reproduction is sexual; or
- (b) that was in a controlled environment when development of the offspring began, where reproduction is sexual;

"controlled environment" means—

- (a) in relation to an animal or animal reproductive material, an environment which—
 - (i) is manipulated for the purpose of producing a selected species of animals or animal reproductive material;
 - (ii) has boundaries designed to prevent the entry, departure, introduction or removal of animals or animal reproductive materials; or
 - (iii) includes facilities such as artificial housing, waste removal, health care, protection from predators and artificial food supply;
 - (iv) is managed in a manner designed to maintain the breeding stock indefinitely;
- (b) in relation to plants, an environment which—
 - (i) is manipulated for the purposes of producing selected hybrid species of plants or plant reproductive material;

- (ii) includes tillage, fertilization, weed control, irrigation or nursery operations, including potting, bedding or protection from weather; or
- (iii) is managed in a manner designed to maintain the breeding stock indefinitely;

"Convention" means the Convention on International Trade in Endangered Species (C.I.T.E.S.) of Wild Fauna and Flora done at Washington, District of Columbia in the United States of America on the 3rd day of March, 1973 and any amendment thereto as adopted, from time to time, by the Government of Jamaica;

"Convention State" means a State other than Jamaica, which is a party to the Convention;

"endangered species" includes any animal or plant species threatened with extinction which are or likely to be affected by trade or whose survival is unlikely if any factor which threatens its extinction continues to operate;

"export" means to take or cause to be taken out of Jamaica or the waters thereof;

"extinction" means the termination of a species caused by—

- (a) failure to adapt to environmental change; and
- (b) death of all remaining members of the species;

"extirpation" means the disappearance of a species or subspecies from a locality or region;

"functions" includes powers and duties;

"import" means the bringing in, causing to be brought in or the introduction of a specimen into Jamaica by air or water otherwise than in transit or by trans-shipment;

"in transit" includes any occasion on which a plant or animal species or specimen remains on board an aircraft, ship

or other form of transport and is in the process of shipment to a named consignee;

"introduction from the sea" means the transportation into Jamaica of a specimen which is taken in the marine environment not under the jurisdiction of any State including the airspace above the sea and the sea-bed and subsoil beneath the sea;

"Jamaica" includes the Exclusive Economic Zone established under section 3 of the Exclusive Economic Zone Act;

"Management Authority" means the Management Authority designated by the Minister pursuant to section 13;

"Management programme" means a programme for the protection, conservation or management of animals or plants or both;

"mark" means any indelible imprint, seal or other suitable means of identifying a specimen, designed in such a manner as to render its imitation by unauthorized persons as difficult as possible;

"personal or household effects" means any wildlife products or manufactured articles or ornaments which are not intended for sale and are worn as clothing or contained in accompanying baggage or are part of a shipment of household effects of persons moving to or from Jamaica;

"plant" means a member of the plant kingdom, whether alive or dead;

"plant reproductive material" means—

- (a) a seed or spore of a plant;
- (b) a cutting from a plant; and
- (c) any other part or product of a plant from which another plant can be produced;

"plant specimen" means—

- (a) a plant;

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- (b) plant reproductive material;
- (c) any article wholly produced by or from or otherwise wholly derived from a single plant; and
- (d) any readily recognizable part,

First, Second,
Third or
Fourth
Schedule.

of a species or any derivative thereof specified in the First, Second, Third or Fourth Schedules;

"readily recognizable part" includes any specimen which appears from its label, mark, description or any package or document accompanying it, to be a part or derivative of a specimen specified in the First, Second, Third or Fourth Schedule;

"recipient" means—

- (a) in relation to a specimen that is exported from Jamaica, the person or body in the State to which the specimen is exported who is to have the care and custody of that specimen; and
- (b) in relation to a specimen that is imported into Jamaica, the person or body in Jamaica who is to have the care and custody of that specimen;

"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 any other State, the competent authority of that State within the meaning of Article X of the Convention;

"re-export" means the export of a specimen which 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 pursuant to section 13 (1) (b);

"sender" in relation to a specimen that is imported into Jamaica, means the person in the State from which the specimen is lawfully imported who lawfully exports it from that State to Jamaica;

"species" includes any sub-species, variety, form or geographically separate population, whether wild or domesticated, of any species;

"specimen" includes—

(a) a live or dead animal specimen or plant specimen;

(b) in the case of an animal specimen, any readily recognizable part or derivative of the species specified in the First, Second, Third or Fourth Schedule;

First, Second,
Third or
Fourth
Schedule.

(c) in the case of a plant specimen—

(i) in respect of species included in the First Schedule, any readily recognizable part or derivative thereof with the exception of seedlings or tissue culture obtained in vitro in solid or liquid medium and transported in sterile containers;

(ii) in respect of species included in the Second, Third and Fourth Schedules, any readily recognizable part or derivative thereof, unless such parts and derivatives are specifically exempt;

"take" includes—

(a) in relation to an animal specimen, catch, capture, collect, trap or kill; and

(b) in relation to a plant specimen, pick, collect or cut;

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

"trans-shipment" means the procedure whereby—

- (a) any animal specimen or plant specimen remains in the custody of the Commissioner of Customs;
- (b) is in the process of shipment to a consignee; and
- (c) is being transferred from one form of transport to another.

(2) For the purposes of this Act, where an article consists of or is derived from a specimen and other material, two or more specimens, or two or more specimens and other material, that article shall be deemed to be separate articles, being—

- (a) that specimen and an article consisting of that material;
- (b) each of those specimens; or
- (c) each of those specimens and an article consisting of that material.

(3) A reference in this Act to a State shall be construed as including a reference to a place that is a territory, dependency or colony (however described) of that State.

(4) For the purposes of this Act, a specimen shall be taken to have been imported into Jamaica by way of introduction from the sea if, and only if, the specimen was taken in the marine environment not under the jurisdiction of any State and then imported into Jamaica without having been imported into any other State.

(5) For the purposes of this Act—

- (a) where a live animal (other than animal reproductive material) that was bred in captivity dies, the dead animal and any specimen derived therefrom shall be taken to be specimens derived from that live animal; and

- (b) where a live plant (other than plant reproductive material) that was artificially propagated dies, the dead plant and any specimen derived therefrom shall be taken to be specimens derived from that live plant.

(6) For the purposes of this Act, the doing of any thing to or with a live animal or a live plant (including killing the animal or plant or doing or failing to do any thing in relation to the housing of the animal or plant) for the purposes of scientific research shall be undertaken in compliance with all guidelines specified by the Management Authority, after consultation with the Scientific Authority.

(7) For the purposes of this Act—

- (a) where the common name of an animal or plant is set out in the First, Second, Third or Fourth Schedule next to or under a taxon, that common name does not affect the meaning of that taxon; First, Second, Third or Fourth Schedule.
- (b) a genus, species or sub-species referred to in a description set out in the First, Second, Third or Fourth Schedule shall be taken to be specified in that Schedule.

(8) For the purposes of this Act, a taxon is taken to be—

- (a) endangered, when it faces a very high risk of extinction in the near future, based on the criteria specified in Part I of the Fifth Schedule; Fifth Schedule.
- (b) extinct, when there is no reasonable doubt that the last individual has died;
- (c) vulnerable, when it faces a high risk of extinction in the medium term, based on the criteria specified in Part II of the Fifth Schedule.

(9) For the purpose of this Act, an activity may be described as commercial if—

- (a) its purpose is to obtain economic benefit, including profit, whether in cash or kind; and

- (b) it is directed toward resale, exchange, provision of a service or other form of economic use or benefit.

Objects of
Act.

3. The objects of this Act are to facilitate Jamaica's compliance with its obligations under the Convention and otherwise to further the protection, conservation and management of endangered species of wild fauna and flora of Jamaica and other countries by regulating—

- (a) the exportation of specimens that are or are derived from indigenous Jamaican animals or plants;
- (b) the exportation and importation of specimens that are or are derived from animals or plants which—
- (i) are threatened with extinction and are or may be affected by trade;
 - (ii) may become so threatened if international trade in specimens of such species is not subject to strict regulation;
 - (iii) require or are likely to require protection or the cooperation of other States in order to prevent or restrict exploitation;
- (c) the importation of animals or plants the introduction of which has or is likely to have an adverse effect on the habitats and species of indigenous Jamaican animals or plants;
- (d) the exportation or importation of specimens that are difficult to distinguish from specimens referred to in paragraph (a), (b) or (c).

Saving of
other laws.

4.—(1) The provisions of this Act and any regulations made hereunder shall be in addition to, and not in derogation of, or in substitution for—

- (a) the Animals (Diseases and Importation) Act;
- (b) the Aquaculture, Inland and Marine Products and By-Products (Inspection, Licensing and Export) Act;

- (c) the Customs Act;
- (d) the Animal (Control of Experiments) Act;
- (e) the Fishing Industry Act;
- (f) the Food Storage and Prevention of Infestation Act;
- (g) the Forest Act;
- (h) the Natural Resources Conservation Authority Act;
- (i) the Plants (Quarantine) Act;
- (j) the Quarantine Act; or
- (k) the Wild Life Protection Act.

(2) A person who is the holder of a permit or certificate issued under this Act to export, re-export or to import an animal specimen or plant specimen is not, by reason only of being the holder of the permit or authority, exempt from compliance with any law referred to in subsection (1) that applies in relation to that specimen.

5.—(1) This Act shall not apply—

- (a) to specimens in transit or to the trans-shipment of specimens through Jamaica while the specimens remain under the control of the Commissioner of Customs;
- (b) subject to section 12, to personal or household effects;
- (c) subject to section 9, to non-commercial loans, donations or exchanges between scientists or scientific institutions registered by a management authority of their State, of herbarium specimens, other preserved, dried or embedded museum specimens and live plant material which carry a mark or label, as the case may require, issued or approved by a relevant authority;
- (d) to artificially propagated plants or animals bred in captivity.

Exemptions,
etc., relating
to trade.

(2) Where in relation to any specimen that is to be exported or re-exported—

- (a) the Management Authority is satisfied that the specimen was acquired before the relevant provisions of the Convention applied to that specimen; and

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- (b) the Management Authority grants a certificate to that effect,

the provisions of this Act shall not apply to that specimen.

(3) The Management Authority may waive the requirements of this Act in relation to any specimens which form part of a travelling zoo, circus, menagerie, plant or other exhibition in the following circumstances—

- (a) the exporter or importer notifies the Management Authority of the particulars of such specimens;
- (b) the specimens—
- (i) were acquired before the Convention applied to them;
 - (ii) were, or a part of or derived from any specimen of any animal species which was bred in captivity or a plant species which was artificially propagated;
- (c) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize damage, risk or injury, damage to health or cruel treatment.

(4) For the purposes of this Act, where an animal specimen or plant specimen is brought into Jamaica—

- (a) for the purposes of trans-shipment to another State; or
- (b) as part of an aircraft's stores or ship's stores and remain on board the aircraft or ship,

that specimen shall not be taken to have been imported into Jamaica and when it leaves Jamaica, shall not be taken to have been exported from Jamaica.

(5) For the purposes of this Act, where, in accordance with the Quarantine Act or the Plants (Quarantine) Act, a person, exercising powers under that Act, brings into Jamaica a specimen that is subject to quarantine, that specimen shall not be regarded

as having been imported unless and until it is released from quarantine.

6.—(1) The Minister—

Amendment
of Schedules.

- (a) may, on the recommendation of the Management Authority and after consultation with members of the public, by order, amend the Fourth Schedule;
- (b) shall amend the First, Second, Third or Fourth Schedule, as the case may require, by order on the recommendation of the Management Authority whenever any Appendix is amended as a result of decisions of the Conference of Parties to the Convention and Jamaica has entered no reservations in relation thereto.

Fourth
Schedule.

First, Second,
Third or
Fourth
Schedule.

(2) Where any Schedule is amended under subsection (1), the Management Authority shall cause a copy of that Schedule as amended to be published in a newspaper circulated in Jamaica.

(3) The Management Authority may, on the recommendation of the Scientific Authority and after consultation with members of the public, cause proposals for the transfer of a specimen from one Schedule to another to be prepared and submitted to the Secretariat of the Convention.

7.—(1) Subject to subsection (2), the Management Authority may, by order published in the *Gazette*, declare a management programme that is being, is proposed to be, or has been, carried out in Jamaica or in another State to be an approved management programme for the purposes of this Act.

Approved
management
programmes.

(2) The Management Authority shall not declare a management programme to be an approved management programme unless, on the recommendation of the Scientific Authority—

(a) it is satisfied that—

- (i) there is sufficient information available concerning the biology of each species subject to the management programme and takes into

- account the best available scientific information on the role of that species in the ecosystem in which it occurs, to enable it to evaluate that management programme;
- (ii) the precautionary principle was applied in the development of the management programme;
- (b) for the purpose of permitting the importation or exportation, as the case may be, of specimens taken, or specimens derived from specimens that have been taken, in accordance with the management programme—
- (i) it has received and considered information relating to that programme; or
 - (ii) it has consulted with the relevant body or bodies having powers or duties under the law of any other State for the protection, conservation or management of animals or plants or both which are subject to that programme;
- (c) it is satisfied that the management programme contains measures to ensure that the taking in the wild, of any specimen—
- (i) will not be detrimental to the survival of the species to which that specimen belongs; and
 - (ii) will be carried out at minimal risk to the continuing role of that species in the ecosystems in which it occurs, so as to maintain the species in a manner that is not likely to cause irreversible changes to, or long term deleterious effects on, the species or its habitat; and
- (d) is satisfied that the management programme provides for adequate periodic monitoring and assessment of the effects of the taking of specimens on the habitats of—
- (i) the species to which those specimens belong;

- (ii) such other species as, in the opinion of the Management Authority, are likely to be affected by it.

(3) In this Act the reference to the precautionary principle is a reference to the principle that where there are threats of damage, lack of scientific certainty shall not be used as a reason for postponing or failing to take conservation and management measures for the protection of any species or the environment.

8.—(1) Subject to subsections (2) and (3), the Management Authority may, on the application of a scientific institution or an individual in Jamaica or in any other State, who is engaged in activities specified in subsection (2), by order published in the *Gazette*, declare that institution to be an approved scientific institution or that individual to be an approved person in relation to a specimen or species specified in the order.

Approval of
scientific
institution.

(2) The activities referred to in subsection (1) are activities relating to—

- (a) specimen or species of animals or plants;
- (b) herbarium specimens; and
- (c) preserved, dried or embedded museum specimens in Jamaica or in any other State.

(3) An order under subsection (1) shall have effect—

- (a) for the purpose of permitting the non-commercial loan, donation or exchange of the specimen or species specified therein; and
- (b) for such period as may be determined by the Management Authority after consultation with the Scientific Authority and specified in the order.

(4) The Management Authority shall not declare a scientific institution to be an approved scientific institution unless it is satisfied as to the matters specified in subsection (5).

(5) The matters referred to in subsection (4) are as follows—

- (a) the scientific institution—

- (i) is owned, controlled or administered by the government of Jamaica or any other State; or
- (ii) in any other case, does not engage in commercial transactions in the specimen or species specified in the order;
- (b) the breeding of animals, artificial propagation of plants or public exhibition of specimens is the major function of the institution;
- (c) one of the institution's primary functions is the carrying out of research or investigation into specimens or species;
- (d) where the institution is situated in Jamaica, it is engaged in commercial transactions only in relation to specimens that are, or are derived from—
 - (i) animals and plants that were bred in captivity or artificially propagated;
 - (ii) specimens that have been taken in accordance with an approved management programme;
- (e) where the institution is situated outside of Jamaica, it does not engage in commercial transactions in specimens—
 - (i) that are, or are derived from, native Jamaican animals or plants; or
 - (ii) specified in the First Schedule unless they are derived from animals or plants (other than native Jamaican animals or plants) that were bred in captivity or artificially propagated;
- (f) the institution—
 - (i) possesses resources and qualifications that enable the undertaking of research or investigation;
 - (ii) publishes the results of its research or investigation or otherwise makes those results available to the Management Authority and the public or the government of the country in which it is situated; and

First
Schedule.

- (iii) imports or exports specimens taken in the wild only if specimens that were bred in captivity or artificially propagated cannot be used for the purposes of the research or investigation, or public education;
- (g) the institution is suitably equipped to—
 - (i) manage, confine, care for and, where appropriate, house live specimens;
 - (ii) maintain adequate records relating to the management, breeding, mortality and disposal of specimens; and
 - (iii) produce those records when required so to do by the Management Authority.

9. For the purposes of this Act, the exportation or importation of any specimen shall be taken to be a transfer between scientific institutions only if—

Inter -
scientific
institution
transfer.

- (a) the exporter or the sender, as the case may be, is an approved scientific institution in relation to a class of specimens that includes that specimen;
- (b) in the case of a specimen that is a live animal or a live plant, it is not required by the exporter or the sender, as the case may be, for the purposes of breeding, artificial propagation or exhibition;
- (c) in the case of a specimen other than a specimen that is, or is derived from, a live animal that was bred in captivity or a plant that is artificially propagated, that specimen was not purchased or otherwise obtained for the purposes of trade; and
- (d) the recipient is an approved scientific institution in relation to a class of species that includes that specimen.

10.—(1) For the purposes of this Act, an animal shall be taken to have been bred in captivity only if it was bred in circumstances declared by regulations made under this Act to be circumstances that would constitute breeding in captivity.

Breeding in
captivity.

First Schedule.

(2) An animal specimen specified in the First Schedule bred in captivity for commercial purposes shall be deemed to be a specimen included in the Second Schedule.

Second
Schedule.

(3) Where, in relation to the import, export or re-export of

Second, Third
or Fourth
Schedule.

an animal specimen of a species specified in the Second, Third or Fourth Schedule, the Management Authority is satisfied that the specimen was bred in captivity, the Management Authority shall issue a certificate to that effect; and such certificate shall in relation to a specimen of a species specified in the Second or Third Schedules, be in lieu of any permit required under this Act.

(4) Where an indigenous animal specimen is bred in captivity for scientific research and scientific exchange, the genetic material of that specimen shall be the property of the Government of Jamaica.

(5) The Minister may, by regulations made under section 53, make such provisions as are considered necessary for regulating the operation of breeding in captivity.

Artificial
propagation.

11.—(1) For the purposes of this Act, the propagation of a live plant shall constitute artificial propagation in the following circumstances—

- (a) the plant was grown by humans from seeds, cuttings, callus tissue, spores or other propagules in controlled conditions;
- (b) the seeds, cuttings, callus tissue, spores or other propagules are—
 - (i) established and maintained in a manner that is not detrimental to the survival in the wild of that kind of plant;
 - (ii) managed in a manner designed to maintain the breeding stock indefinitely.

(2) In subsection (1) "controlled conditions" means the growing of a live plant in an environment that—

- (a) is intensively manipulated by humans for the purpose of producing that kind of plant; and

- (b) includes characteristics such as weed control, irrigation, tillage, fertilization and nursery operations such as potting, bedding and protection from the weather.

(3) A plant specimen included in the First Schedule which is artificially propagated for commercial purposes shall be deemed to be a specimen included in the Second Schedule.

First
Schedule.
Second
Schedule.

(4) Where, in relation to the import, export or re-export of an indigenous specimen specified in the Second, Third or Fourth Schedule, the Management Authority is satisfied that the specimen was artificially propagated, the Management Authority shall issue a certificate to that effect; and such certificate shall in relation to a specimen specified in the Second or Third Schedule, be in lieu of any permit granted under this Act.

Second, Third
or Fourth
Schedule.

(5) Where an indigenous specimen is artificially propagated for scientific research and scientific exchange, the genetic material of that specimen shall be the property of the Government of Jamaica.

12.—(1) Subject to subsections (2) and (3), the provisions of Part 11 shall not apply to specimens that are personal or household effects.

Export of
personal or
household
effects.

(2) Subsection (1) shall not apply in the following circumstances—

- (a) where any specimens of a species specified in the First Schedule were acquired by the owner outside of Jamaica and are being imported into Jamaica; or
- (b) where specimens of a species specified in the Second Schedule—
- (i) were acquired by the owner outside Jamaica, in a State where removal from the wild occurred;
 - (ii) are being imported into Jamaica; and
 - (iii) the State referred to in sub-paragraph (i) requires the prior grant of an export permit before the exportation of any such specimens,

unless the Management Authority is satisfied that the specimens were acquired before the provisions of the Convention applied to those specimens.

(3) The Minister may, by order, declare that the exemption conferred by subsection (1) shall not apply to any article of personal or household effects made of specimens of a particular species specified in the order.

PART I. *Administration*

Designation
of Management
and
establishment
of Scientific
Authority.

13.—(1) For the purposes of this Act—

- * (a) the Minister may, by order published in the *Gazette*, designate a public body to be the Management Authority;
- (b) there shall be established a body to be known as the Scientific Authority and the provisions of the Sixth Schedule shall have effect as to the constitution of the Scientific Authority and otherwise in relation thereto.

Sixth
Schedule.

(2) In subsection (1) "public body" means a Department or Agency of Government or a statutory body or authority.

Policy
directions.

14. The Minister may, after consultation with the Chairman thereof, give to the Management Authority such directions of a general character as to the policy to be followed by the Authority in the performance of its functions as appear to the Minister to be necessary in the public interest and the Authority shall give effect thereto.

Functions of
Management
Authority.

15.—(1) The Management Authority shall—

- (a) take such steps as are necessary for the protection, conservation and management of endangered species of wild fauna and flora against over-exploitation through international or domestic trade;
- (b) consult with the Scientific Authority on the scientific aspects of the implementation of the Convention;
- (c) promote public awareness of endangered species of wild fauna and flora and to foster understanding of their importance to the conservation of the environment;

* L.N. 32/2000

- (d) advise the Minister on matters of policy relating to trade in endangered species of wild fauna and flora;
 - (e) grant permits and certificates in respect of the importation, exportation, re-exportation and other trade in endangered species of wild fauna and flora;
 - (f) determine national quotas in relation to the exportation of any species where it considers such quotas justifiable having regard to the population of that species;
 - (g) formulate and implement or cause the formulation and implementation of a recovery and management plan for endangered species of wild fauna and flora specified in the First, Second, Third or Fourth Schedule and implement or cause the implementation of approved management programmes;
 - (h) in consultation with the Scientific Authority and any other body responsible for the protection and conservation of endangered species of wild fauna and flora specified in the First, Second, Third and Fourth Schedules, identify critical habitats for that fauna and flora;
 - (i) enter into agreements to secure the protection and conservation of flora and fauna referred to in paragraph (h);
 - (j) monitor the importation, exportation or re-exportation of a specimen or species specified in any of the Schedules;
 - (k) perform such other functions pertaining to international trade in endangered species of wild fauna and flora as may be assigned to it, from time to time, by the Minister.
- (2) The Management Authority shall—
- (a) determine, after consultation with the Scientific Authority and such Department of Government as it sees

First, Second,
Third or
Fourth
Schedule.

First, Second,
Third and
Fourth
Schedules.

fit, the method of shipment, including container and other packaging requirement necessary for transport of a specimen specified in the First, Second, Third and Fourth Schedules;

- (b) consult with the Scientific Authority regarding proposals for amendment of the First, Second, Third and Fourth Schedules;
- (c) prepare annual reports regarding trade in endangered species of wild fauna and flora.

Functions of
Scientific
Authority.

16.—(1) The Scientific Authority shall—

- (a) advise the Management Authority on—
 - (i) whether any species is vulnerable, threatened, at risk, endangered, extirpated or extinct;
 - (ii) matters in respect of which advice is sought by the Management Authority;
- (b) advise the Management Authority on policy relating to trade in endangered species of wild fauna and flora;
- (c) recommend, initiate, carry out or support, by financial means or otherwise, research which, in its opinion, is relevant to any of its functions; and
- (d) perform such other functions pertaining to trade in endangered species of wild fauna and flora as may be assigned to it, from time to time, by the Management Authority.

(2) The Scientific Authority shall—

- (a) advise the Management Authority on—
 - (i) whether a proposed import, export, re-export or introduction from the sea of a specimen specified in the First, Second, Third or Fourth Schedule will be detrimental to the survival of that species;
 - (ii) whether it is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it;

- (b) monitor the grant of export permits and the actual export of specimens specified in the First, Second, Third or Fourth Schedule; First, Second, Third or Fourth Schedule.
- (c) advise the Management Authority on suitable measures to be taken to limit the grant of export permits for that species when it determines that the limitation is necessary to maintain the species throughout its range at a level consistent with its role in the eco-systems and above the level at which that species might become eligible for inclusion in the First Schedule. First Schedule.

17.—(1) The Scientific Authority shall cause to be prepared and transmitted to the Management Authority and the Minister an annual report on— Scientific reports.

- (a) any specimen or species which is vulnerable, threatened, at risk, endangered, extirpated or extinct;
- (b) the status of the endangered species of wild fauna or flora specified in the First, Second, Third or Fourth Schedule.

(2) A report under subsection (1) may contain—

- (a) subject to subsection (3), a list of species in Jamaica and in other countries which are vulnerable, threatened, at risk, endangered, extirpated or extinct and the reason therefor;
- (b) a description of any critical factor;
- (c) any recommendation for such species to be included in or removed from the First, Second, Third or Fourth Schedule; and
- (d) an assessment of such species in a range of other states.

(3) The list referred to in subsection (2) (a) shall be based on the best available scientific evidence or ecological principles so, however, that where little or no scientific evidence is available, the Scientific Authority may ground its reasons on the precautionary principle or other relevant information or facts.

(4) The Management Authority may accept or reject all or any part of the recommendations contained in the report.

(5) Where the Management Authority rejects any recommendation contained in a report, or any part thereof, it shall give reasons therefor.

(6) The Minister shall cause a copy of the report and any comments thereon, to be laid on the Table of each House of Parliament.

Fourth
Schedule.

(7) Any member of the public may, in writing, recommend to the Chairman of the Management Authority, that any specimen or species be included in or excluded from, the Fourth Schedule, giving reasons for such recommendation and the Management Authority shall refer that recommendation to the Scientific Authority for its advice.

PART II. Restriction on trade in endangered species

Restriction on
trade in
endangered
species.

First, Second,
Third and
Fourth
Schedules.

18. Except under and in accordance with the provisions of this Act and any regulations made hereunder, no person shall trade in any specimen of an endangered species of wild fauna or flora specified in the First, Second, Third and Fourth Schedules.

*Regulation of trade in species specified in the First, Second,
Third and Fourth Schedules*

Application to
trade in
endangered
specimens of
species
specified in
First, Second,
Third and
Fourth
Schedules.

19.—(1) Every person who proposes to trade in any specimen of a species specified in the First, Second, Third or Fourth Schedule shall apply in the prescribed form to the Management Authority for the appropriate permit or certificate as follows—

- (a) an export permit;
- (b) an import permit;
- (c) a re-export certificate;
- (d) an introduction from the sea certificate.

(2) An application under subsection (1) shall, subject to sections 25 (2) and 29 (2), be accompanied by the prescribed fee and such information or document, if any, as the Management Authority may require.

(3) The Management Authority may in relation to an application made under subsection (1)—

- (a) grant the permit or certificate either unconditionally or subject to such conditions as it may specify therein; or
- (b) refuse to grant the permit or certificate.

(4) Where the Management Authority refuses to grant a permit or certificate under this section, it shall so inform the applicant in writing stating the reasons therefor.

(5) A person who proposes to apply for an import permit shall, before making that application, apply to the Management Authority for a certificate of origin in relation to the specimen or species to be imported.

(6) Every person who proposes to engage in domestic trade in any specimen of a species specified in the First, Second, Third or Fourth Schedule shall apply in the prescribed form and manner for a domestic trade permit.

(7) The Management Authority may, in accordance with regulations made under section 53, grant or refuse to grant a domestic trade permit.

20. The Management Authority may grant an export permit in relation to a specimen of a species specified in the First Schedule if—

Export of specimens of species specified in First Schedule.

- (a) the Scientific Authority advises the Management Authority that it is satisfied that the exportation thereof will not be or is not likely to be detrimental to or contribute to trade which is detrimental to, its survival;
- (b) the application for such permit relates to—
 - (i) scientific research; or
 - (ii) a transfer from one scientific institution to another;
- (c) it is satisfied—
 - (i) that the specimen was not obtained in contravention of the Natural Resources

Conservation Authority Act, the Wild Life Protection Act or any other law relating to the protection, conservation and management of fauna and flora;

- (ii) any living specimen will be prepared and transported in such manner as to minimize any damage, risk of injury, cruel treatment or deterioration of its health;
- (iii) an import licence has been granted by a relevant authority of the State of import;
- (iv) the circumstances concerning such exportation are exceptional.

Importation of specimens of species specified in First Schedule.

21. The Management Authority may grant an import permit in respect of a specimen of a species specified in the First Schedule if—

- (a) the Scientific Authority advises the Management Authority that it is satisfied that—
 - (i) the importation thereof is for purposes which are not detrimental to nor will contribute to trade which is detrimental to its survival;
 - (ii) the proposed recipient of a living species is suitably equipped to house and care for it; and
- (b) it is satisfied that the specimen is not intended to be used primarily for commercial purposes.

Re-export of specimens of species specified in First Schedule.

22. The Management Authority may grant a re-export certificate in respect of any specimen of a species specified in the First Schedule if it is satisfied that—

- (a) the specimen was imported into Jamaica in accordance with the provisions of this Act or any regulations hereunder;
- (b) in the case of any living specimen—
 - (i) it will be prepared and transported in such a manner as to minimize damage, risk of injury, cruel treatment or deterioration of its health; and

- (ii) an import permit has been granted by the relevant authority of the State to which the specimen is to be re-exported.

23. The Management Authority may grant an introduction from the sea certificate in relation to any specimen specified in the First Schedule if—

Introduction from the sea certificate for specimens of species specified in First Schedule.

- (a) the Scientific Authority advises the Management Authority that the introduction thereof will not be detrimental to its survival; and
- (b) the Management Authority is satisfied that—
 - (i) in the case of a living specimen, the proposed recipient is suitably equipped to house and care for it; and
 - (ii) the specimen is not intended to be used primarily for commercial purposes.

24.—(1) The Management Authority may grant an export permit in respect of a specimen of a species specified in the Second Schedule if—

Export of specimens of species specified in Second Schedule.

- (a) the Scientific Authority advises the Management Authority that it is satisfied that such exportation will not be, or is not likely to be, detrimental to its survival; and
- (b) the Management Authority is satisfied that—
 - (i) the specimen was not obtained in contravention of the Natural Resources Conservation Authority Act, the Wild Life Protection Act or any other law relating to the protection, conservation and management of wild fauna and flora; and
 - (ii) any living specimen will be prepared and transported in such a manner as to minimize any damage, risk of injury, cruel treatment or deterioration of its health.

(2) Where the Scientific Authority determines that the export of a specimen of any species should be limited in order to maintain that species—

- (a) throughout its range at a level consistent with its role in the ecosystems in which it occurs; and
- (b) above the level at which that species might become eligible for inclusion in the First Schedule,

First Schedule.

the Scientific Authority shall advise the Management Authority on suitable measures to be taken to limit the grant of export permits for that specimen.

Import of specimens of species specified in Second Schedule.

25.—(1) The Management Authority may grant an import permit in respect of any specimen of a species specified in the Second Schedule if it has obtained the advice of the Management Authority of the exporting country that it is satisfied that—

- (a) the specimen will not be used for purposes which are detrimental to its survival;
- (b) in the case of a living specimen, the proposed recipient is suitably equipped to house and care for it.

(2) An application for an import permit in respect of any specimen specified in the Second Schedule shall be accompanied by the export permit or a re-export certificate, as the case may require, from a relevant authority in the State of export or re-export.

Re-export of specimens of species specified in Second Schedule.

26. The Management Authority may grant a re-export certificate in respect of any specimen specified in the Second Schedule if it is satisfied that—

- (a) the specimen was imported into Jamaica in accordance with the provisions of this Act;
- (b) any living specimen will be prepared and transported in such a manner as to minimize any damage, risk of injury, cruel treatment or deterioration of its health; and
- (c) an import permit for the living specimen has been granted by a relevant authority in the State from which it was imported.

27. The Management Authority may grant an introduction from the sea certificate in respect of any species specified in the Second Schedule if—

Introduction from the sea of specimens of species specified in.

- (a) the Scientific Authority advises the Management Authority that the introduction from the sea of that species will not be detrimental to its survival;
- (b) it is satisfied that—
 - (i) the proposed recipient of a living specimen is suitably equipped to house and care for it;
 - (ii) that any living specimen will be prepared and transported in such a manner as to minimize any damage, risk of injury, cruel treatment or deterioration of its health.

28. The Management Authority may grant an export permit in respect of any specimen of a species specified in the Third Schedule if—

Export of specimens of species specified in Third Schedule.

- (a) the Scientific Authority advises the Management Authority that it is satisfied that the export of that species will not be or is not likely to be detrimental to its survival; and
- (b) it is satisfied—
 - (i) that the specimen was not obtained in contravention of the Natural Resources Conservation Authority Act, the Wild Life Protection Act or any other law relating to the protection, conservation and management of fauna and flora;
 - (ii) that any living specimen will be prepared and transported in such a manner as to minimize any damage, risk of injury, cruel treatment or deterioration of its health.

Import of specimens of species specified in Third Schedule.

29.—(1) The Management Authority may grant an import permit in respect of any specimen of a species specified in the Third Schedule if the Scientific Authority advises the Management Authority that it is satisfied that—

- (a) the specimen will not be used for purposes which are detrimental to its survival;
- (b) the proposed recipient of a living specimen is suitably equipped to house and care for it.

(2) An application for an import permit in respect of any species specified in the Third Schedule shall be accompanied by—

- (a) a certificate of origin; and
- (b) an export permit, where the species is being imported from a Convention State whose laws apply to that species.

Re-export of specimens of species specified in Third Schedule.

30.—(1) The Management Authority may grant a re-export certificate in respect of the re-export of any specimen specified in the Third Schedule if it is satisfied that—

- (a) the specimen was imported into Jamaica in accordance with the provisions of this Act;
- (b) any living specimen will be prepared and transported in such a manner as to minimize any damage, risk of injury, cruel treatment or deterioration of its health; and
- (c) an import permit for the living specimen has been granted by a relevant authority.

(2) In any proceedings relating to the re-export of a specimen to which this section applies, a certificate granted by the Management Authority that the specimen was processed in Jamaica or is being re-exported shall be conclusive evidence that the specimen was imported into Jamaica in accordance with this Act.

Export of specimens of species specified in Fourth Schedule.

31. The Management Authority may grant an export permit in respect of any specimen of a species specified in the Fourth Schedule if it is satisfied that—

- (a) such specimen were artificially propagated or bred in captivity; and
- (b) the export of that specimen will not be or is not likely to be detrimental to its survival.

PART III. *Suspension and revocation of permit or certificate*

32. A permit or certificate granted pursuant to this Act shall not be transferable and shall be valid for such period as is specified therein, being a period not exceeding—

Non-transferability and validity of permit or certificate.

- (a) six months, in the case of an import permit; and
- (b) three months, in the case of an export permit or a re-export certificate.

33. The Management Authority may refuse to grant a permit or certificate under this Act—

Grounds for refusal to grant permit or certificate.

- (a) in any case where the Scientific Authority recommends such refusal on the ground that the grant of the permit or certificate would not be in the public interest, having regard to such factors as the Scientific Authority considers relevant, including—
 - (i) the need for the protection of certain species of wild fauna or flora from over-exploitation through international trade;
 - (ii) the preservation of the character of the environment, including the fauna or flora;
 - (iii) the availability of the natural environment for the enjoyment of the public;
- (b) where an application contains or is based on false or misleading representation or information which is false in a material particular;
- (c) to an individual who—
 - (i) is under the age of eighteen years;

- (ii) is an undischarged bankrupt; or
 - (iii) has been convicted of an offence under this Act during the period of ten years immediately preceding the date of the application;
- (d) to a body corporate—
- (i) in respect of which a resolution has been passed for voluntary winding up or an order has been made by a court of competent jurisdiction for its winding up;
 - (ii) if a receiver has been appointed to manage any of its assets;
 - (iii) if during the period of ten years immediately preceding the date of application, any of its directors has been convicted of an offence specified in section 40, 41, 42, 43, or 44; or
 - (iv) which has been convicted of an offence under this Act during the period of five years immediately preceding the date of the application;
- (e) if, in the opinion of the Management Authority, the applicant is not a fit and proper person to be granted a permit or certificate.

Restriction on grant of permit retrospectively. First, Second, Third or Fourth Schedule.
Suspension of permit or certificate.

34. The Management Authority shall not issue a permit or certificate retrospectively in respect of any specimen of a species specified in the First, Second, Third or Fourth Schedule.

35.—(1) Subject to subsection (2) the Management Authority may suspend a permit or certificate if—

- (a) the holder is in breach of—
 - (i) any provision of this Act or any regulations made hereunder or any other enactment

providing for the protection, conservation and management of natural resources or the environment; or

- (ii) any term or condition subject to which the permit or certificate is granted;
- (b) the holder notifies the Management Authority in writing that he intends to cease the activities to which the permit or certificate relates for the period stated in the notice.

(2) Before suspending a permit or certificate under subsection (1) (a) or (b), the Management Authority shall notify the holder in writing of the proposed suspension—

- (a) stating the reasons therefor;
- (b) requiring the holder of the permit or certificate, in the case of a breach, to remedy the breach within the time specified in the notice; and
- (c) stating that the permit or certificate is to be returned within a specified time forthwith to the Management Authority.

(3) A holder of a permit or certificate who is served with a notice under subsection (2) shall, after remedying the breach which gave rise to the suspension, notify the Management Authority in writing that the breach has been remedied.

(4) The Management Authority shall, upon receipt of a notice referred to in subsection (3), cause an inspection to be carried out and if the Management Authority is satisfied that the breach has been remedied, it shall withdraw the notice of suspension.

36.—(1) The Management Authority may revoke a permit or certificate if it is satisfied that—

Revocation of
permit or
certificate.

- (a) the application contained any false or misleading information in any material particular;
- (b) the holder has failed to remedy a breach which gave rise to the suspension of the permit or certificate under section

35, within the time specified in the notice under subsection (2) of that section;

- (c) there has been a material change in the circumstances which existed at the time the permit or certificate was granted which would justify such revocation.

(2) Where a permit or certificate is granted in relation to a species which is transferred from the Second, Third or Fourth Schedule to the First Schedule, that permit or certificate shall cease to have effect as from the date of the transfer.

Appeal.

37.—(1) A person who is aggrieved by the decision of the Management Authority to refuse to grant a permit or certificate or to suspend or revoke such permit or certificate may appeal in writing to the Minister within twenty-eight days of the date of notification of the decision.

(2) The appeal shall set out the grounds of appeal and shall be accompanied by copies of any correspondence, documents or statements relevant to the appeal.

(3) Notice in writing of the appeal together with copies of the correspondence, document or statement referred to in subsection (2) shall be served on the Management Authority at the time when the appeal is lodged.

(4) The Minister shall, within seven days of the receipt of the appeal under subsection (1), request the Management Authority to furnish him, within fourteen days, with a statement in writing setting out the reasons for its decision.

(5) The Minister may order that any books, papers, documents or statements, relating to the appeal which are in the possession of the appellant or the Management Authority be produced at the hearing of the appeal.

(6) The Minister shall cause all parties to the appeal to be informed—

- (a) of the date of the hearing of the appeal;

- (b) that they may appear themselves or by their attorneys-at-law; and
- (c) that they may summon witnesses in their cause.

38.—(1) The Management Authority shall keep registers which shall contain such particulars as may be prescribed. Registers.

(2) Every register referred to in subsection (1) shall be open for inspection by the public at the offices of the Management Authority during office hours, free of charge, and the Management Authority shall, on payment of the prescribed fee, cause to be made copies of any entry in any such register.

39. Every person to whom a permit or certificate is granted pursuant to this Act shall keep such books, documents, records or things as may be prescribed relating to the activities to which the permit or certificate relates. Records.

PART IV. *Offences and Penalties*

40. Every person who trades in any specimen of a species without a permit or certificate under this Act commits an offence and shall be liable— Unlawful trade in specimen, etc.

- (a) on summary conviction before a Resident Magistrate, to a fine not exceeding two million dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment;
- (b) on conviction on indictment in a Circuit Court to a fine or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment.

41.—(1) Notwithstanding anything to the contrary in any other enactment, a person commits an offence if, except under and in accordance with the provisions of this Act or any regulations made hereunder, he— Offence of using postal service for transporting endangered species.

- (a) encloses in or with any letter, parcel, packet or other matter sent by post, any endangered species; or

*ENDANGERED SPECIES (PROTECTION, CONSERVATION AND
REGULATION OF TRADE)*

(b) knowingly uses for the transportation of any endangered species any mail bag or mail van, aircraft, ship or other vehicle used for the carrying of mail.

(2) A person who is convicted of an offence under this section shall be liable—

(a) on summary conviction before a Resident Magistrate—

(i) in the case of a first offence, to a fine not exceeding one million dollars or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment; and

(ii) in the case of a second or subsequent offence to a fine not exceeding two million dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment; or

(b) on conviction on indictment in a Circuit Court to a fine or to imprisonment for a term not exceeding ten years.

(3) In subsection (1)—

(a) "mail bag" means any bag, box, basket, parcel or other envelope or covering, in which postal articles in course of transmission by post are conveyed, whether it does or does not contain any such article;

(b) "post" includes a private courier service.

42. Every person who—

(a) for the purposes of obtaining, whether for himself or for any other person, the grant of any permit or certificate under this Act, makes any declaration or statement which is false or misleading in any particular;

(b) knowingly furnishes to an authorized officer or other person performing any duty in relation to this Act, a

False or
misleading
statements.

document that to the knowledge of the first-mentioned person contains information which is false or misleading in any particular;

- (c) knowingly utters, produces, or makes use of any such declaration or statement or any document containing any false declaration or statement;
- (d) falsifies or unlawfully amends any information contained in a permit or certificate,

commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one million dollars or to imprisonment for a term not exceeding one year or to both such fine or imprisonment.

43. Any person who threatens, assaults or obstructs an authorized officer acting in the execution of his duties under this Act commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

Threatening,
etc., autho-
rized officer.

44. Every holder of a permit or certificate who—

- (a) fails to keep any records or other documents required by this Act or any regulations made hereunder;
- (b) fails, without reasonable excuse, to produce such books, records or other documents to an authorized officer upon being requested to do so,

Failure to
keep records
and
documents.

commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

PART V. *Enforcement*

45.—(1) An authorized officer may, for the purpose of the execution of this Act, enter at all reasonable times the business premises of any person trading in or suspected of trading in any

General
powers of
entry,
inspection and
seizure.

specimen of a species to which this Act applies and inspect any book, document, permit, certificate, record or things relating thereto.

(2) An authorized officer may, during the course of an inspection pursuant to subsection (1)—

(a) seize and detain—

(i) any specimen of a species found therein;

(ii) any equipment or other article found therein;

(b) take samples of any specimen of a species found therein,

which the authorized officer reasonably believes is being used in contravention of any provision of this Act.

Vehicle, etc.,
may be seized
and detained.

46.—(1) Where an authorized officer has reasonable cause to suspect that any vehicle, aircraft, vessel, article, enclosure, container or other storage facility, device or apparatus (hereinafter referred to as "specified equipment") is being used or has been used in the commission of an offence against this Act, the authorized officer may, without warrant, search the specified equipment, and if such search reveals evidence that the specified equipment is being used or has been used for the commission of any offence as aforesaid, the authorized officer may seize and detain the specified equipment.

(2) Where any specified equipment is seized pursuant to this section and—

(a) any person is convicted of an offence under this Act;

(b) the Court is satisfied that—

(i) the person owns the specified equipment used in the commission of the offence;

(ii) the owner permitted it to be so used; or

(iii) the circumstances are otherwise such that it is just to do so,

the Court shall, upon the application by the Director of Public Prosecutions, order the forfeiture of the specified equipment.

(3) On the application of the Director of Public Prosecutions before a Resident Magistrate's Court having jurisdiction in the area where any specified equipment is seized and detained under subsection (1), the Court may make an order in accordance with subsection (4), notwithstanding that the conditions mentioned in subsection (2) have not been satisfied.

(4) The Court may order the forfeiture of the specified equipment if the Court is satisfied that—

- (a) the specified equipment has been abandoned;
- (b) the circumstances in which the specified equipment was seized give reasonable cause to suspect that it was being used or has been used for the purpose of committing an offence against this Act,

and it is otherwise just to do so.

47.—(1) Where the Director of Public Prosecutions intends to apply to the Court for an order of forfeiture under section 46 (3) he shall, subject to subsection (2) of this section, give to any person who, to his knowledge, was at the time of the seizure, the owner thereof, notice of the seizure and the intention to apply for forfeiture and the grounds thereof.

Procedure
regarding
application for
forfeiture.

(2) Notice shall not be required under subsection (1) if the seizure under section 46 (1) was made in the presence of the owner or his servant or agent.

(3) Where the Director of Public Prosecutions is unable to ascertain the owner of or any person having an interest in any specified equipment to which this section applies, he shall publish a notice in a daily newspaper circulating in Jamaica regarding the intention to apply to a Resident Magistrate for an order for forfeiture, not less than thirty days prior to the application.

(4) Any person having a claim to any specified equipment seized under this Act may appear at the hearing of the application for forfeiture and show cause why such an order should not be made.

(5) Where, on the hearing of an application for forfeiture pursuant to section 46 (3), no person appears before the Court to show cause as mentioned in subsection (4) of this section, the Court shall presume that the specified equipment has been abandoned.

(6) If, upon the application of a person prejudiced by an order made under section 46 (2) or (3), the Court is satisfied that it is just in the circumstances of the case to revoke the order, the Court may—

- (a) revoke such order upon such terms and conditions, if any, as it deems appropriate; and
- (b) without prejudice to the generality of paragraph (a), require such person to pay in respect of storage, maintenance, administrative expenses, security and insurance of the specified equipment, such amount as may be charged by the person in whose custody the specified equipment was kept.

(7) An application to the Court under subsection (6) for the revocation of an order shall be made within thirty days of the date of the order or such longer period not exceeding six months after the date of the order as the Court may allow.

Forfeiture of
specimens
seized.

48.—(1) Every specimen of a species in respect of which there is a conviction for an offence against this Act shall be forfeited to the Crown.

(2) Where any specimen of a species is forfeited under subsection (1) the Court may, on the application by the Management Authority, order that the specimen be—

- (a) returned to the wild;
- (b) stored or kept in, placed under the control or management of, or donated to an approved institution; or
- (c) returned to its owner, country of origin at the expense of that State, or to such place as the Management Authority deems appropriate.

49. Where a Resident Magistrate is satisfied by information on oath that there is reasonable ground for suspecting— Search warrant.

- (a) that any specimen to which this Act applies is in the possession or under the control of any person on any premises in contravention of the provisions of this Act or of any regulations made hereunder; or
- (b) that there is in the possession of or under the control of any person on any premises in Jamaica, any document directly or indirectly relating to or connected with any transaction or dealing in any such specimen which—
 - (i) if carried out would be an offence against this Act; or
 - (ii) relates to a transaction or dealing carried out or intended to be carried out in any place outside the Island and which would be an offence against the provisions of any corresponding law in force in that place,

the Resident Magistrate may grant a search warrant authorizing the authorized officer named in the warrant, at any time or times within one month from the date of the warrant, to enter and search the premises and seize and detain any document or species or detain any person found therein.

PART VI. *General*

50. The Management Authority may where it deems appropriate, cause any specimen which is being traded to be marked with such mark as is capable of identifying a specimen and is designed in such a manner as to prevent the imitation thereof by unauthorized persons. Marking of specimens.

51. If in any proceedings any question arises as to whether a specimen is lawfully imported or is lawfully in the possession of the holder thereof, an expired permit or certificate granted under this Act may serve as proof of the lawful domestic trade, lawful import, export, re-export, introduction from the sea or possession of the specimen to which it relates. Expired permit may serve as proof of lawful import, etc.

Protection of
members of
Management
Authority and
Scientific
Authority.

52.—(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Management Authority or the Scientific Authority in respect of any act done *bona fide* in pursuance or execution or intended execution of that Authority's functions under this Act.

(2) Where any member of an Authority referred to in subsection (1) is exempt from liability by reason only of the provisions of that subsection, the Authority shall be liable to the extent that it would if that member were a servant or agent of the Authority.

Regulations.

53.—(1) The Minister may make regulations for the purposes of giving effect to the provisions of this Act and in particular, but without prejudice to the generality of the foregoing, such regulations may—

(a) contain provisions in relation to—

- (i) the carrying into effect of the Convention and any amendment thereto and international standards and recommended practices for the protection and conservation of endangered species of wild fauna and flora;
- (ii) the establishment of national and individual export quotas in respect of any species or specimen specified in the First, Second, Third or Fourth Schedule;
- (iii) the certification and registration of nurseries which conduct artificial propagation of plants listed in the First, Second, Third or Fourth Schedule;
- (iv) the certification and registration of facilities which conduct breeding in captivity of any animal listed in the First, Second, Third or Fourth Schedule;

First, Second,
Third or
Fourth
Schedule.

(b) prescribe—

- (i) the procedures for applications for the issue of permits or certificates;
- (ii) the fees payable in respect of the grant of any permit or certificate and such other service as the Management Authority may determine;
- (iii) the manner of keeping registers, records and the contents and form of such registers and reports;
- (iv) biological criteria and trade criteria for the inclusion of species in the First, Second, Third or Fourth Schedule;
- (v) any other matter required by this Act to be prescribed.

First, Second,
Third or
Fourth
Schedule.

(2) Notwithstanding section 29 of the Interpretation Act, regulations made under subsection (1) may provide for the imposition of penalties on summary conviction in a Resident Magistrate's Court not exceeding a fine of seven hundred thousand dollars or imprisonment for a term not exceeding six months or to both such fine and imprisonment.

54. This Act binds the Crown.

Act applies to
the Crown.

Interpretation to the First, Second and Third Schedules

1. Species included in these Schedules are referred to:—

- (a) by the name of the species; or
- (b) as being all of the species included in a higher taxon or designated part thereof.

2. The abbreviation "spp." is used to denote all species of a higher taxon.

3. Other references to taxa higher than species are for the purposes of information or classification only. The common names included after the scientific names of families are for reference only. They are intended to indicate the species within the family concerned that are included in the Schedules. In most cases this is not all the species within the family.

4. The following abbreviations are used for plant taxa below the level of species—

- (a) "ssp." is used to denote subspecies; and
- (b) "var(s)." is used to denote variety (varieties).

5. As none of the species or higher taxa of FLORA included in the First Schedule is annotated to the effect that its hybrids shall be treated in accordance with the provisions of Article III of the Convention, this means that artificially propagated hybrids produced from one or more of these species or taxa may be traded with a certificate of artificial propagation, and that seeds and pollen (including pollinia), cut flowers, seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers of these hybrids are not subject to the provisions of the Convention.

6. The names of the countries in parentheses placed against the names of species in the Third Schedule are those of the Parties submitting these species for inclusion in this Schedule.

7. In accordance with Article I of the Convention, the symbol (#) followed by a number placed against the name of a species or higher taxon included in the Second or Third Schedule designates parts or derivatives which are specified in relation thereto for the purposes of the Convention as follows—

1 Designates all parts and derivatives, except—

- (a) seeds, spores and pollen (including pollinia);
- (b) seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers; and
- (c) cut flowers or artificially propagated plants.

2 Designates all parts and derivatives except—

- (a) seeds and pollen;
- (b) seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers;

- (c) cut flowers or artificially propagated plants; and
- (d) chemical derivatives and finished pharmaceutical products.

#3 Designates whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powers, pills, extracts, tonics, teas and confectionery.

#4 Designates all parts and derivatives, except—

- (a) seeds, except those from Mexican cacti originating in Mexico, and pollen;
- (b) seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers;
- (c) cut flowers or artificially propagated plants;
- (d) fruits and parts and derivatives thereof of naturalized or artificially propagated plants; and
- (e) separate stem joints (pads) and parts and derivatives thereof naturalized or artificially propagated plants of the genus *Opuntia* subgenus *Opuntia*.

#5 Designates logs, sawn wood and veneer sheets.

#6 Designates logs, sawn wood, veneer sheets and plywood.

#7 Designates logs, wood-chips and unprocessed broken material.

#8 Designates all parts and derivatives, except—

- (a) seeds and pollen (including pollinia);
- (b) seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers;
- (c) cut flowers of artificially propagated plants; and
- (d) fruits and parts and derivatives thereof or artificially propagated plants of the genus *Vanilla*.

L. N.
142²A/2003

FIRST SCHEDULE

(Sections 2, 6, 8, 10, 11, 15–25,
34, 36 and 53)

*Endangered Species threatened with extinction and
which may be affected by trade therein*

<u>Fauna</u>		<u>Animals</u>
<i>Chordata</i>		
<i>Mammalia</i>		Mammals
<i>Dasyuromorphia</i>		
Dasyuridae	Sminthopsis longicaudata Sminthopsis psammophila	Dunnarts
Thylacinidae	Thylacinus cynocephalus (possibly extinct)	Tasmanian Wolves, Thylacines
<i>Peramelemorphia</i>		
Peramelidae	Chaeropus ecaudatus (possibly extinct) Macrotis lagotis Macrotis leucura Perameles bougainville	Bandicoots
<i>Diprotodontia</i>		
Vombatidae	Lasiorhinus krefftii	Northern Hairy-nosed Wombats
Macropodidae	Lagorchestes hirsutus Lagostrophus fasciatus Onychogalea fraenata Onychogalea lunata	Kangaroos, Wallabies
Potoroidae	Bettongia spp. Caloprymnus campestris (possibly extinct)	Rat-kangaroos
<i>Chiroptera</i>		
Pteropodidae	Acerodon jubatus Acerodon lucifer (possibly extinct) Pteropus insularis Pteropus mariannus Pteropus molossinus Pteropus phaeocephalus Pteropus pilosus Pteropus samoensis Pteropus tonganus	Fruit Bats, Flying Foxes

FIRST SCHEDULE, *contd.*

Fauna		Animals
—		—
<i>Primates</i>		
Lemuridae	Lemuridae spp.	Large Lemurs
Megaladapidae	Megaladapidae spp. (possibly extinct)	Sportive Lemurs
Cheirogaleidae	Cheirogaleidae spp.	Dwarf Lemurs
Indridae	Indridae spp.	Avahi, Indris, Sifakas, Wooly Lemurs
Daubentoniidae	Daubentonia madagascariensis	Aye-ayes
Callithricidae	Callimico goeldii Callithrix aurita Callithrix flaviceps Leontopithecus spp. Saguinus bicolor Saguinus geoffroyi Saguinus leucopus Saguinus oedipus	Marmosets, Tamarins
Cebidae	Alouatta coibensis Alouatta palliata Alouatta pigra Ateles geoffroyi frontatus Ateles geoffroyi panamensis Brachyteles arachnoides Cacajao spp. Chiropotes albinasus Lagothrix flavicauda Saimiri oerstedii	New World Monkeys
Cercopithecidae	Cercocebus galeritus galeritus Cercopithecus diana Macaca silenus Mandrillus leucophaeus Mandrillus sphinx Nasalis concolor Nasalis larvatus Presbytis potenziani Procolobus pennantii kirkii Procolobus rufomitratu Pygathrix spp. Semnopithecus entellus Trachypithecus geei Trachypithecus pileatus	Old World Monkeys
Hylobatidae	Hylobatidae spp.	Gibbons
Hominidae	Gorilla gorilla	Chimpanzees,

ENDANGERED SPECIES (PROTECTION, CONSERVATION AND
REGULATION OF TRADE)

FIRST SCHEDULE, *contd.*

Fauna		Animals
—		—
Hominidae, <i>contd.</i>	Pan spp. Pongo pygmaeus	Gorillas, Orang-utans
<i>Xenarthra</i>		
Dasypodidae	Priodontes maximus	Armadillos
<i>Lagomorpha</i>		Rabbits, Hares
Leporidae	Caprolagus hispidus Romerolagus diazi	Hispid Hares, Volcano Rabbits
<i>Rodentia</i>		
Sciuridae	Cynomys mexicanus	Ground Squirrels, Tree Squirrels
Muridae	Leporillus conditor Pseudomys praeconis Xeromys myoides Zyzomys pedunculatus	Mice, Rats
Chinchillidae	Chinchilla spp. (Specimens of the domesticated form are not subject to the provisions of the Convention)	Chinchillas
Platanistidae	Lipotes vexillifer Platanista spp.	River Dolphins
Ziphiidae	Berardius spp. Hyperoodon spp.	Beaked Whales, Bottle-nosed Whales
Physeteridae	Physeter catodon	Sperm Whales
Delphinidae	Sotalia spp. Sousa spp.	Marine Dolphins
Phocoenidae	Neophocaena phocaenoides Phocoena sinus	Porpoises
Eschrichtiidae	Eschrichtius robustus	Grey Whales
Balaenopteridae	Balaenoptera acutorostrata (Except the population of West Greenland, which is included in the Second Schedule)	Humpback Whales, Rorquals

FIRST SCHEDULE, *contd.*

Fauna		Animals
Balaenopteridae, <i>contd.</i>	Balaenoptera bonaerensis Balaenoptera borealis Balaenoptera edeni Balaenoptera musculus Balaenoptera physalus Megaptera novaeangliae	
Balaenidae	Balaena mysticetus Eubalaena spp.	Bowhead Whales, Right Whales
Neobalaenidae	Caperea marginata	Pygmy Right Whales
<i>Carnivora</i>		
Canidae	Canis lupus (Only the populations of Bhutan, India, Nepal and Pakistan; all other populations are included in the Second Schedule) Speothos venaticus	Bush Dogs, Foxes, Wolves
Ursidae	Ailuropoda melanoleuca Ailurus fulgens Helarctos malayanus Melursus ursinus Tremarctos ornatus Ursus arctos (Only the populations of Bhutan, China, Mexico and Mongolia; all other populations are included in the Second Schedule) Ursus arctos isabellinus Ursus thibetanus	Bears, Pandas
Mustelidae		Badgers, Martens, Weasels, etc.
Lutrinae	Aonyx congicus (Only the populations of Cameroon and Nigeria; all other populations are included in the Second Schedule) Enhydra lutris nereis Lontra felina	Otters

*ENDANGERED SPECIES (PROTECTION, CONSERVATION AND
REGULATION OF TRADE)*

FIRST SCHEDULE, *contd.*

Fauna —		Animals —
Lutrinae, <i>contd.</i>	Lontra longicaudis Lontra provocax Lutra lutra Pteronura brasiliensis	
Mustelinae	Mustela nigripes	Grisons, Martens, Tayra, Weasels
Viverridae	Prionodon pardicolor	Binturongs, Civets, Falanouc, Fossa, Linsangs, Otter-civets, Palm Civets
Felidae	Acinonyx jubaus (Annual export quotas for live specimens and hunting trophies are granted as follows: Botswana: 5; Namibia: 150; Zimbabwe: 50. The trade in such specimens is subject to the provisions of Article III of the Convention) Caracal caracal (Only the population of Asia; all other populations are included in the Second Schedule) Catopuma temminckii Felis nigripes Herpailurus yaguarondi (Only the populations of Central and North America; all other populations are included in the Second Schedule) Leopardus pardalis Leopardus tigrinus Leopardus wiedii Lynx pardinus Neofelis nebulosa Oncifelis geoffroyi Oreailurus jacobita Panthera leo persica Panthera onca Panthera pardus Panthera tigris	Cats

FIRST SCHEDULE, *contd.*

Fauna		Animals
—		—
Felidae, <i>contd.</i>	<p><i>Pardofelis marmorata</i> <i>Prionailurus bengalensis</i> <i>bengalensis</i> (Only the populations of Bangladesh, India and Thailand; all other populations are included in the Second Schedule) <i>Prionailurus planiceps</i> <i>Prionailurus rubiginosus</i> (Only the population of India; all other populations are included in the Second Schedule) <i>Puma concolor coryi</i> <i>Puma concolor costaricensis</i> <i>Puma concolor cougar</i> <i>Uncia uncia</i></p>	
Otariidae	<i>Arctocephalus townsendi</i>	Fur Seals, Sea Lions
Phocidae	<i>Monachus</i> spp.	Seals
<i>Proboscidea</i>		
Elephantidae	<p><i>Elephas maximus</i> <i>Loxodonta africana</i> (Except the populations of Botswana, Namibia, South Africa and Zimbabwe, which are included in the Second Schedule)</p>	Elephants
<i>Sirenia</i>		
Dugongidae	<i>Dugong dugon</i>	Dugong
Trichechidae	<p><i>Trichechus inunguis</i> <i>Trichechus manatus</i></p>	Manatees
<i>Perissodactyla</i>		
Equidae	<p><i>Equus africanus</i> (Excludes the domesticated form, which is referenced as <i>Equus asinus</i>, and is not subject to the provisions of the Convention) <i>Equus grevyi</i> <i>Equus hemionus hemionus</i></p>	Horses, Wild Asses, Zebras

FIRST SCHEDULE, *contd.*

Fauna —		Animals —
Equidae, <i>contd.</i>	Equus onager khur Equus przewalskii Equus zebra zebra	
Tapiridae	Tapiridae spp. (Except the species included in the Second Schedule)	Tapirs
Rhinocerotidae	Rhinoceroses spp. (Except the subspecies included in the Second Schedule)	Rhinoceroses
<i>Artiodactyla</i>		
Suidae	Babyrousa babyrussa Sus salvanius	Babirusa, Pygmy Hogs
Tayassuidae	Catagonus wagneri	Peccaries
Cameliadae	Vicugna vicugna (Except the populations of Argentina, the population of the Provinces of Jujuy and Catamarca and the semi- captive populations of the Provinces of Jujuy, Salta, Catamarca, la Rioja and San Juan; Bolivia the whole Population; Chile population of the Primera Region; and Peru the whole population; which are included in the Second Schedule)	Guanaco, Vicuna
Moschidae	Moschus spp. (Only the populations of Afghanistan, Bhutan, India, Myanmar, Nepal and Pakistan; all other populations are included in the Second Schedule)	Musk Deer
Cervidae	Axis calamianensis Axis kuhlii Axis porcinus annamiticus Blastocercus dichotomus	Deer, Guemals, Muntjacs, Pudus

FIRST SCHEDULE, *contd.*

Fauna —		Animals —
Cervidae, <i>contd.</i>	<p>Cervus duvauceli Cervus elaphus hanglu Cervus eldii Dama mesopotamica Hippocamelus spp. Megamuntiacus vuquanghensis Muntiacus crinifrons Ozotoceros bezoarticu Pudu puda</p>	
Antilocapridae	<p>Atilocapra americana (Only the population of Mexico; no other population is included in the Schedules)</p>	Pronghorn
Bovidae	<p>Addax nasomaculatus Bos gaurus (Excludes the domesticated form, which is referenced as Bos frontalis, and is not subject to the provisions of the Convention Bos mutus (Excludes the domesticated form, which is referenced as Bos grunniens, and is not subject to the provisions of the Convention) Bos sauveli Bubalus depressicornis Bubalus mindorensis Bubalus quarlesi Capra falconeri Cephalophus jentinki Gazella dama Hippotragus niger variani Naemorhedus baileyi Naemorhedus caudatus Naemorhedus goral Naemorhedus sumatraensis Oryx dammah Oryx leucoryx Ovis ammon hodgsonii Ovis ammon nigrimontana</p>	Antelopes, Cattle, Duikers, Gazelles, Goats, Sheep, etc.

*ENDANGERED SPECIES (PROTECTION, CONSERVATION AND
REGULATION OF TRADE)*

FIRST SCHEDULE, *contd.*

Fauna		Animals
—		—
Bovidae, <i>contd.</i>	Ovis orientalis ophion Ovis vignei vignei Pantholops hodgsonii Pseudoryx nghetinhensis Rupicapra pyrenaica ornata	
<i>Aves</i>		<i>Birds</i>
<i>Struthioniformes</i>		
Struthionidae	Struthio camelus (Only the populations of Algeria, Burkina Faso, Cameroon, the Central African Republic, Chad, Mali, Mauritania, Morocco, the Niger, Nigeria, Senegal and the Sudan; all other populations are not included in the Schedules)	Ostriches
<i>Rheiformes</i>		
Rheidae	Rhea pennata (Except Rhea pennata pennata which is included in the Second Schedule)	Rheas
<i>Tinamiformes</i>		
Tinamidae	Tinamus solitarius	Tinamou
<i>Sphenisciformes</i>		
Spheniscidae	Spheniscus humboldti	Penguins
<i>Podicipediformes</i>		
Podicipedidae	Podilymbus gigas	Grebe
<i>Procellariiformes</i>		
Diomedeidae	Diomedea albatrus	Albatrosses
<i>Pelecaniformes</i>		
Pelecanidae	Pelecanus crispus	Pelicans
Sulidae	Papasula abbotti	Booby
Fregatidae	Fregata andrewsi	Frigate Birds

FIRST SCHEDULE, *contd.*

Fauna —		Animals —
<i>Ciconiiformes</i>		
Ciconiidae	Ciconia boyciana Jabiru mycteria Mycteria cinerea	Storks
Threskiornithidae	Geronticus eremitas Nipponia nippon	Ibises, Spoonbills
<i>Anseriformes</i>		
Anatidae	Anas aucklandica Anas laysanensis Anas oustaleti Branta canadensis leucopareia Branta sandvicensis Cairina scutulata Rhodonessa caryophyllacea (possibly extinct)	Ducks, Geese, Swans, etc.
<i>Falconiformes</i>		
Cathartidae	Vultur gryphus Gymnogyps californianus	New World Vultures
Accipitridae	Aquila adalberti Aquila heliaca Chondrohierax uncinatus wilsonii Haliaeetus albicilla Haliaeetus leucocephalus Harpia harpyja Pithecophaga jefferyi	Hawks, Eagles
Falconidae	Falco araea Falco jugger Falco newtoni (Only the population of Seychelles) Falco pelegrinoides Falco peregrinus Falco punctatus Falco rusticolus	Falcons
<i>Galliformes</i>		
Megapodiidae	Macrocephalon maleo	Megapodes, Scrub Fowls

*ENDANGERED SPECIES (PROTECTION, CONSERVATION AND
REGULATION OF TRADE)*

FIRST SCHEDULE, *contd.*

Fauna		Animals
Cracidae	Crax blumenbachii Mitu mitu Oreophasis derbianus Penelope albipennis Pipile jacutinga Pipile pipile	Chachalacas, Currassows, Guans
Phasianidae	Catreus wallichii Colinus virginianus ridgwayi Crossoptilon crossoptilon Crossoptilon harmani Crossoptilon mantchuricum Lophophorus impejanus Lophophorus lhuysii Lophophorus sclateri Lophura edwardsi Lophura imperialis Lophura swinhoii Polyplectron emphanum Rheinardia ocellata Syrmaticus ellioti Syrmaticus humiae Syrmaticus mikado Tetraogallus caspius Tetraogallus tibetanus Tragopan blythii Tragopan caboti Tragopan melanocephalus Tympanuchus cupido attwateri	Grouses, Guinea Fowls, Partridges, Pheasants, Tragopans
<i>Gruiformes</i>		
Gruidae	Grus canadensis nesiotus Grus americana Grus canadensis pulla Grus japonensis Grus leucogeranus Grus monacha Grus nigricollis Grus vipio	Cranes
Rallidae	Gallirallus sylvestris	Rail
Rhinocetidae	Rhinocetos jubatus	Kagu
Otididae	Ardeotis nigriceps Chlamydotis undulata Eupodotis bengalensis	Bustards

FIRST SCHEDULE, *contd.*

Fauna		Animals
—		—
<i>Charadriiformes</i>		
Scolopacidae	Numenius borealis Numenius tenuirostris Tringa guttifer	Curlews Greenshanks
Laridae	Larus relictus	Gulls
<i>Columbiiiformes</i>		
Columbidae	Caloenas nicobarica Ducula mindorensis	Doves, Pigeons
<i>Psittaciformes</i>		
Psittacidae	Amazona arausiaca Amazona barbadensis Amazona brasiliensis Amazona guildingii Amazona imperialis Amazona leucocephala Amazona ochrocephala aeropalliata Amazona ochrocephala belizensis Amazona ochrocephala caribaea Amazona ochrocephala oratrix Amazona ochrocephala parvipes Amazona ochrocephala tresmariae Amazona pretrei Amazona rhodocorytha Amazona tucumana Amazona versicolor Amazona vinacea Amazona viridigenalis Amazona vittata Anodorhynchus, spp. Ara ambigua Ara glaucogularis (often traded under the incorrect designation Ara caninde) Ara macao	Amazons, Cockatoos, Lories, Lorikeets, Macaws, Parakeets, Parrots

FIRST SCHEDULE, *contd.*

Fauna		Animals
—		—
Psittacidae, <i>contd.</i>	<i>Ara militaris</i> <i>Ara rubrogenys</i> <i>Cacatua goffini</i> <i>Cacatua haematuropygia</i> <i>Cacatua moluccensis</i> <i>Cyanopsitta spixii</i> <i>Cyanoramphus forbesi</i> <i>Cyanoramphus novaezelandiae</i> <i>Cyclopsitta diophthalma coxeni</i> <i>Eos histrio</i> <i>Eunymphicus cornutus</i> <i>Guarouba guarouba</i> <i>Geopsittacus occidentalis</i> (possibly extinct) <i>Guarouba guarouba</i> <i>Neophema chrysogaster</i> <i>Ognorhynchus icterotis</i> <i>Pezoporus wallicus</i> <i>Pionopsitta pileata</i> <i>Probosciger aterrimus</i> <i>Propyrrhura couloni</i> <i>Propyrrhura maracana</i> <i>Psephotus chrysopterygius</i> <i>Psephotus dissimilis</i> <i>Psephotus pulcherrimus</i> (possibly extinct) <i>Psittacula echo</i> <i>Pyrrhura cruentata</i> <i>Rhynchopsitta</i> , spp. <i>Strigops habroptilus</i> <i>Vini ultramarina</i>	
<i>Strigiformes</i>		
Tytonidae	<i>Tyto soumagnei</i>	Barn Owls
Strigidae	<i>Athene blewitti</i> <i>Mimizuku gurneyi</i> <i>Ninox novaeseelandiae undulata</i> <i>Ninox squamipila natalis</i>	Owls
<i>Apodiformes</i>		
Trochilidae	<i>Glaucis dohrnii</i>	Hummingbirds

FIRST SCHEDULE, *contd.*

Fauna		Animals
—		—
<i>Trogoniformes</i>		
Trogonidae	Pharomachrus mocinno	Quetzal
<i>Coraciiformes</i>		
Bucerotidae	Aceros nipalensis Aceros subruficollis Buceros bicornis Buceros vigil	Hornbills
<i>Piciformes</i>		
Picidae	Campephilus imperialis Dryocopus javensis richardsi	Woodpeckers
<i>Passeriformes</i>		
Cotingidae	Cotinga maculata Xipholena atropurpurea	Cotingas
Pittidae	Pitta gurneyi Pitta kochi	Pittas
Atrichornithidae	Atrichornis clamosus	Scrub-birds
Hirundinidae	Pseudochelidon sirintarae	Martin
Muscicapidae	Dasyornis broadbenti litoralis (possibly extinct) Dasyornis longirostris Picathartes gymnocephalus Picathartes oreas	Old World Flycatchers
Zosteropidae	Zosterops albogularis	White-eyes
Meliphagidae	Lichenostomus melanops cassidix	Honeyeaters
Icteridae	Agelaius flavus	Black Birds
Fringillidae	Carduelis cucullata	Finches
Sturnidae	Leucopsar rothschildi	Mynahs (Starlings)
<i>Reptilia</i>		
<i>Testudinata</i>		
Emydidae	Batagur baska Clemmys muhlenbergi Geoclemys hamiltonii Kachuga tecta Melanochelys tricarinata	Box Turtles, Freshwater Turtles

*ENDANGERED SPECIES (PROTECTION, CONSERVATION AND
REGULATION OF TRADE)*

FIRST SCHEDULE, *contd.*

Fauna		Animals
—		—
Emydidae, <i>contd.</i>	Morenia ocellata Terrapene coahuila	
Testudinidae	Geochelone nigra Geochelone radiata Geochelone yniphora Gopherus flavomarginatus Psammobates geometricus Pyxis planicauda Testudo kleinmanni Testudo wernerii	Tortoises
Cheloniidae	Cheloniidae spp.	Marine Turtles
Dermochelyidae	Dermochelys coriacea	Leatherback Turtles
Trionychidae	Apalone ater Aspideretes gangeticus Aspideretes hurum Aspideretes nigricans	Softshell Turtles, Terrapins
Chelidae	Pseudemydura umbrina	Austro-American Side-necked Turtles
<i>Crocodylia</i>		
Alligatoridae	Alligator sinensis Caiman crocodilus apaporiensis Caiman latirostris (Except the population of Argentina, which is included in the Second Schedule) Melanosuchus niger (Except the population of Ecuador, which is included in the Second Schedule and is subject to a zero annual export quota until an annual export quota has been approved by the CITES Secretariat and the IUCN/SSC Crocodile Specialist Group)	Alligators, Caimans
Crocodylidae	Crocodylus acutus Crocodylus cataphractus Crocodylus intermedius Crocodylus mindorensis Crocodylus moreletii	Crocodiles

FIRST SCHEDULE, *contd.*

Fauna		Animals
—		—
Crocodylidae, <i>contd.</i>	<p><i>Crocodylus niloticus</i> (Except the populations of Botswana, Ethiopia, Kenya, Madagascar, Malawi, Mozambique, South Africa, Uganda, the United Republic of Tanzania, subject to an annual export quota of no more than 1600 wild specimens including hunting trophies, in addition to ranched specimens, Zambia and Zimbabwe, these populations are included in the Second Schedule)</p> <p><i>Crocodylus palustris</i> <i>Crocodylus porosus</i> (Except the populations of Australia, Indonesia and Papua New Guinea, which are included in the Second Schedule)</p> <p><i>Crocodylus rhombifer</i> <i>Crocodylus siamensis</i> <i>Osteolaemus tetraspis</i> <i>Tomistoma schlegelii</i></p>	
Gavialidae	<i>Gavialis gangeticus</i>	Gavial
<i>Rhynchocephalia</i>		
Sphenodontidae	<i>Sphenodon</i> spp.	Tuatura
<i>Sauria</i>		
Chamaeleonidae	<i>Brookesia perarmata</i>	Chameleons
Iguanidae	<i>Brachylophus</i> spp. <i>Cyclura</i> spp. <i>Sauromalus varius</i>	Iguanas
Lacertidae	<i>Gallotia simonyi</i>	Lizards
Varanidae	<i>Varanus bengalensis</i> <i>Varanus flavescens</i> <i>Varanus griseus</i>	Monitor Lizards

*ENDANGERED SPECIES (PROTECTION, CONSERVATION AND
REGULATION OF TRADE)*

FIRST SCHEDULE, *contd.*

Fauna		Animals
—		—
	Varanus komodoensis Varanus nebulosus	
<i>Serpentes</i>		Snakes
Pythonidae	Python molurus molurus	Pythons
Boidae	Acrantophis spp. Boa constrictor occidentalis Epicrates inornatus Epicrates monensis Epicrates subflavus Sanzinia madagascariensis	Boas
Bolyeriidae	Bolyeria multocarinata Casarea dussumieri	Round Island Boas
Viperidae	Vipera ursinii (Only the population of Europe, except the area which formerly constituted the Union of Soviet Socialist Republics; these latter population are not included in the Schedule)	Vipers
<i>Amphibia</i>		Amphibians
<i>Anura</i>		Toads
Bufo	Altiphrynoidea spp. Atelopus zeteki Bufo periglenes Bufo superciliaris Nectophrynoidea spp. Nimbaphrynoidea spp. Spinophrynoidea spp.	
Microhylidae	Dyscophus antongilii	Red Rain Frogs, Tomato Frogs
<i>Caudata</i>		
Cryptobranchidae	Andrias spp.	Giant Salamanders
<i>Actinopterygii</i>		Fish
<i>Acipenseriformes</i>		
Acipenseridae	Acipenser brevirostrum Acipenser sturio	Sturgeons

FIRST SCHEDULE, *contd.*

Fauna		Animals
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<i>Osteoglossiformes</i>		
Osteoglossidae	Scleropages formosus	Arapaima, Bony Tongues
<i>Cypriniformes</i>		
Cyprinidae	Probarbus jullieni	Blind Carps, Plaeesok
Catostomidae	Chasmistes cujus	Cui-ui
<i>Siluriformes</i>		
Pangasiidae	Pangasianodon gigas	Pangasid Catfish
<i>Perciformes</i>		
Sciaenidae	Totoaba macdonaldi	Totoaba
<i>Sarcopterygii</i>		<i>Lungfishes</i>
<i>Coelacanthiformes</i>		
Latimeriidae	Latimeria spp.	Coelacanths
<i>Arthropoda</i>		
<i>Insecta</i>		<i>Insects</i>
<i>Lepidoptera</i>		
Papilionidae	Ornithoptera alexandrae Papilo chikae Papilio homerus Papilio hospiton	Birdwing Butterflies, Swallowtail Butterflies
<i>Mollusca</i>		
<i>Bivalvia</i>		<i>Clams, Mussels</i>
<i>Unionida</i>		
Unionidae	Conradilla caelata Dromus dromas Epioblasma curtisi Epioblasma florentina Epioblasma sampsoni Epioblasma sulcata perobliqua Epioblasma torulosa gubernaculum Epioblasma torulosa torulosa Epioblasma turgidula Epioblasma walkeri Fusconaia cuneolus Fusconaia edgariana Lampsilis higginsii Lampsilis orbiculata orbiculata Lampsilis satur	Freshwater Mussels, Pearly Mussels

