

CHAPTER 71

ENVIRONMENT PROTECTION ACT Act 9 of 1994

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PART I
PRELIMINARY

1. (1) this Act may be cited as the Environment Protection Act.
(2) This Act binds the Republic

Short title and

2. In this Act, unless the context otherwise requires

Interpretation

“abatement” means the reduction or removal of environment pollution to the permitted or prescribed levels;

“activity” means any process or operation whether commercial, industrial, domestic or agricultural on premises or by means of a mobile plant.

“Administrator” means the administrative head of the Authority as notified by the Minister;

“Ambient Air Quality” means the average atmospheric purity as distinguished from discharge measurements taken at the source of pollution.

“Agency” means the Agency designated under section 12;

“Council” means the National Environment Advisory Council established under section 5;

“dumping” means any deliberate disposal of wastes or other matter from vehicles, vessels, aircraft, platforms or other man-made structures at sea;

“efficient” means waste water or any other liquid with or without particles of matter in suspension therein of domestic, agricultural, trade or industrial origin, treated or untreated, and discharged directly or indirectly into the environment.

“emission” means the act of passing into the atmosphere of any solid or liquid or gaseous substance coming out of any chimney, duct or flue or any other outlet or from a known source;

“environment” means air, water and land and the inter-relationship which exists among and between air, water and land, and human beings, other living creatures, plants, micro-organisms and property;

“hazardous substance” means any substance or preparation which by reason of its chemical or physico-chemical properties or handling, is liable to cause harm to human beings, other living creatures, plants, micro-organisms, property or the environment;

“hazardous waste” means waste which is poisonous, corrosive, irritant, noxious, explosive, inflammable, toxic or harmful to the environment;

“pollutant” means any solid, liquid or gaseous substance or energy present in such concentration as may be, or tend to be, injurious to environment;

“pollution” means the presence in the environment of one or more pollutants;

“polluter” means a person who contributes to or creates a condition of pollution;

“prescribed” means prescribed by regulations under this Act.

“wastes” means garbage, refuse, sludges, construction debris and other discarded substances resulting from industrial and commercial operations or from domestic, individual and community activity.

“water quality” means the characteristics of water which define its use in terms of physical, chemical and biological contents;

“watercourse” includes any river, stream, dam, reservoir, water catchments and wetlands;

“wetland” includes all freshwater and tidal areas that are or may be submerged or periodically submerged under fresh or salt water, including all bodies or areas commonly referred to as marshes, swamps, beaches and flats.

3. The principal object of this Act is to provide for the protection, improvement and preservation of the environment and for the prevention, control and abatement of environmental pollution.

PART II ADMINISTRATION

4. (1) The Authority for the purposes of this Act shall be the Ministry or Department of the Government under the Minister having the portfolio responsibility for Environment or a corporate body set up under subsection (2), as the case may be.
 - (2) Subject to subsection (3), the Minister may by order published in the Gazette constitute an Authority which shall be a body corporate, with such name and for carrying out such of the powers and functions under this Act as may be specified in the order.
 - (3) The Minister, in the exercise of the powers under subsection (2), may constitute different Authorities as bodies corporate for carrying out different powers and different functions under the Act as may be specified in the orders constituting such Authorities.
 - (4) An order made under subsection (2) or subsection (3) may provide for –

- (a) any matter relating to the assets, capital, funds, finance, administration and management of the Authority constituted by such order;
- (b) any matter necessary for better carrying out the functions of such Authority

(5) Functions of the Authority are to –

- (i) implement policies and programmes in pursuance of the national objectives on environment protection.
- (ii) co-ordinate the activities of other agencies concerned with the protection of the environment
 - (a) under this Act; or;
 - (b) under any other law for the time being in force which is relatable to the objects of this Act.
- (iii) involve standards for the quality of the environment in its various aspects and for emission or discharge of environmental pollutants from various sources whatsoever;
- (iv) commission research and sponsor studies on problems relating to environmental pollution;
- (v) examine such manufacturing processes, materials and substances as are likely to cause environmental pollution;
- (vi) identify areas in which any activity shall not be carried out or shall be carried out subject to certain safeguards;
- (vii) evolve procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;
- (viii) collect and disseminate information in respect of matters relating to environmental protection;
- (ix) co-ordinate actions required in a state of environmental emergency or any other situation which may pose a serious threat to the environment.

- (x) Prepare manuals, codes or guidelines relating to environmental protection and for the prevention, control and abatement of pollution and;
 - (xi) Carry out such other matters as the Minister may assign for the purpose of securing the effective implementation of the provision of this Act.
- (6) The Authority shall be responsible to the Minister for carrying out the functions under this Act and for the discharge of any other functions that may be assigned to it by the Minister.
- (7) There shall be appointed within the Authority such officers as may be necessary for the proper discharge of the functions of the Authority under this Act.
- (8) The officers of the Authority shall be under the direct administrative control of the Administrator.
- (9) The Authority may establish as and when deemed necessary, such Technical or Advisory Committee or Committees as it thinks fit, to advise on matters pertaining to the scientific and technical aspects of environmental protection and management.
- (10) The Authority shall not, in any matter relating to public health under the Public Health Act, exercise its functions under this Act, except in consultation with the Ministry responsible for health and in accordance with the advice of that Ministry.
- (11) Subject to subsection (10), the Authority shall not, in any matter that is under the control or supervision of any Ministry, Government Department or Public authority, act except with prior consultation with that Ministry, department or body.
- (12) Any matter that cannot be resolved by prior consultation under subsection (11) shall be referred to the President whose decision on the matter shall be final.

5. (1) There is established by this Act the National Environmental Advisory Council.

(2) The Council shall consist of such members as are appointed by the Minister from among persons representing the Government Departments, Non-Governmental organizations and Associations having environment related functions or who in the opinion of the Minister are knowledgeable in matters relating to environment.

(3) The functions of the Council shall be to –

- (a) consider any matter affecting the quality of the environment and report to the Minister;

- (b) advise the Minister on the state of the environment and make recommendations regarding actions and measures for environment protection and for improvement of the quality of the environment;
 - (c) consider any other matter that may be referred to it by the Minister.
- (4) The Minister shall appoint one of the members of the Council as its Chairman.
 - (5) A member of the Council, other than a representative of a Government Department, Non-Governmental Organisation and Association shall hold office for a period of three years and shall be eligible for re-appointment.
 - (6) The Council may co-opt any person as a member whose membership is considered necessary by virtue of the knowledge and experience of that person in environmental matters.
 - (7) The Council shall meet at such time and at such places as the Chairman may determine.
 - (8) One third of the members of the Council shall constitute a quorum.
 - (9) The Council shall regulate its own proceedings in such manner as it thinks fit.
 - (10) The Secretary of the Council shall be nominated by the Administrator.

PART III

PREVENTION, CONTROL AND ABATEMENT OF ENVIRONMENTAL POLLUTION

- 6. The Minister may, on recommendations from the Authority, prescribe standards for-
 - (a) quality of air, water or soil for various areas and purposes.
 - (b) effluent limitations for existing and new point sources.
 - (c) emissions of air pollutants from mobile and stationary sources;
 - (d) noise emissions from various sources including construction sites, plants, machinery, motor vehicles, aircraft, industrial and commercial activities;
 - (e) odours as are required to preserve and maintain public health and the environment;
 - (f) pesticide residues in the environment

- 7. (1) The Minister may by regulations provide for -

Water quality
management

- (a) the preservation of fishing areas, aquatic areas, drinking water sources and reservoirs recreational and other areas where water may need special protection and;
 - protection of surface water, ground water
 - (b) carrying out works which appear to be necessary to prevent, control or abate water pollution from natural causes or from abandoned works or projects or activities.
- (2) (a) the Minister may, on the recommendation of the Authority, classify all water in Seychelles based on their best usage.
- (b) The Authority shall in making its recommendations have regard to section 4(10) and (11) and take into consideration the following factors-
- (i) the existing quality of the body of water at the time of classification;
 - (ii) the size, depth, surface area covered, volume, direction and rate of flow, gradient of stream; and
 - (iii) the most beneficial use and value for public water supplies, propagation of fish, recreational; purposes, agricultural, industrial and other legitimate uses.
- © Where the public interest so requires the Minister on the recommendation of the Authority, may re-classify a body of water based on intended beneficial use and take such steps as may be necessary to upgrade the quality of such water.
- (d) Where the quality of the water has deteriorated to a degree where its state shall adversely affect its best usage, the Authority, in co-ordination with other public bodies associated with water quality management may take measures as deemed necessary to upgrade the quality of such waters to meet the prescribed water quality standards.
- (3) (a) The Minister may, in consultation with the Minister in charge of water resources, by notice in the gazette declare a protection zone for the purposes of protecting the catchment areas used for abstracting water for supplying to the Community.
- (b) the Minister may be regulations prohibit or regulate in the protection zone activities which may affect the quality of the water directly or indirectly.
- (4) (a) No person shall, without an authorization from the Authority, discharge or place into the ground or dispose of in the sub-soil or dig into the ground any polluting or hazardous substances or waste.

(b) An authorization issued under paragraph (a) above may be modified or revoked at any time by the Authority, if there is a risk of pollution of the water-supply source or for any other consideration for the protection of the environment.

© An owner or user of any land shall immediately notify to the Authority any incidents of pollution of the soil or sub-soil owned or used by such owner or user.

(5) No person shall, without an authorization from the Authority, discharge any effluent or throw, deposit, or place any polluting or hazardous substance or waste or any obstructing matter into any water course or in the territorial waters.

(6) A person who contravenes subsection (4)(a) or (5) is guilty of an offence under this Act.

(8) (1) The Minister, on the recommendations of the Authority may, declare by notice in the gazette any area as an air pollution control area for the purposes of this Part.

(2) No person shall, without an authorization from the Authority, cause any emission in an air pollution control area.

(3) No person shall, without an authorization from the Authority, establish or operate any industrial plant in an air pollution control area.

(4) The Authority may grant the authorisation for such period and conditions as it may specify.

(5) An authorization may be revoked at any time if the conditions under which it was granted are violated.

(6) The Minister may by regulations –

(a) prescribe controls for the use of any fuel or any appliance which may cause or is likely to cause air pollution;

(b) prohibit the burning of any material (not being fuel), in an air pollution control area.

(7) For the purpose of this Part the Authority may establish monitoring stations or networks to locate sources of atmospheric pollution.

(8) A person who contravenes subsection (2) or (3) is guilty of an offence under this Act.

9. (1) the Minister may, on the recommendations of the Authority, by regulations, establish noise emission standards and such noise abatement measures as may be necessary to preserve the environment.

(2) No person shall emit noise in excess of the noise emission standards established under this Part, except where an authorization has been granted by the Authority

allowing excessive emission of noise under such terms and conditions as it may determine.

(3) The terms and conditions of an authorization under sub-section (2) shall include compliance with such measures required to adequately protect persons exposed to excessive levels of noise.

(4) A person who contravenes subsection (2) is guilty of an offence under this Act.

10. (1) The Authority may undertake study data and recognize national and international developments regarding the cumulative effect of any substance, practice or activity on the stratosphere and which may reasonably be anticipated to endanger the environment.

(2) The Authority may make recommendations to the Minister and undertake programmes for the control of any substance, practice, or activity which may reasonably be anticipated to endanger the environment.

(3) The Minister may by regulations provide for the control of any substance, practice, or activity which may reasonably be anticipated to endanger the environment.

(4) For the purposes of this section, "stratosphere" means the part of the atmosphere above the troposphere.

11. (1) The Minister may by order published in the Gazette declare one or more Coastal Zones

(2) (a) The Authority shall make or cause to be made a survey of the Coastal Zone and prepare or cause to be prepared an Integrated Coastal Zone Management Plan based on the report of such a survey.

(b) the Authority shall, from time to time, review the Coastal Zone Management Plan prepared under paragraph (a), as the circumstances may require.

(3) The report of a survey shall include –

(a) an inventory of all structures, roads, excavations, harbours, outfalls, dumping sites and other works located in the Coastal one;

(b) an inventory of the state of the coral reefs, mangroves and marshes found within the coastal zone;

(c) an inventory of all commercially exploitable mineral deposits, both proven and suspected, located within the Coastal Zone;

(d) an inventory of all areas within the Coastal Zone of scenic value or of value for recreational purposes;

- (e) an inventory of all estuarine or wetland areas within the Coastal Zone with an indication of their significance as fisheries or wildlife habitat;
 - (f) an inventory of all areas within the Coastal Zone of special value for research regarding coastal phenomena, including fisheries and sea erosion, littoral movements and related subjects;
 - (g) an estimate of the quantities of sand, coral, sea shells and other substances being removed from the Coastal Zone;
 - (h) an estimate of the impact of erosion on the Coastal Zone;
 - (i) an estimate of the extent, nature, causes and sources of coastal pollution and degradation;
 - (j) any other relevant data or information that may be deemed necessary.
- (4) No person shall release or cause to be released into the Coastal Zone such polluting or hazardous substances by dumping or through the atmosphere.
- (5) (a) The Minister may make such regulations as deemed necessary to ensure that activities in the Coastal Zone are so conducted as not to cause damage to the environment and to provide for such measures as are necessary to prevent, reduce and control pollution in the Coastal Zone.
- (b) Notwithstanding the generality of paragraph (a), the regulations may provide for –
- (i) the control and prevention of pollution of the marine environment from land-based sources, including rivers, estuaries, pipelines and outfall structures;
 - (ii) such other matters relating to preservation and conservation of the Coastal Zone.
- (6) A person who contravenes subsection (4) is guilty of an offence under this Act.

12. (1) The Minister shall prescribe –

- (a) standards for the classification and analysis of wastes and on standard treatment and disposal methods;
 - (b) regulations on the introduction, production, possession, handling, storage, transportation, segregation and disposal of hazardous waste;
- (2) The Minister shall designate the Agency responsible for the management of waste.

- (3) No person shall deposit or discharge waste on any land or cause or permit waste to be deposited or discharged on any land, except in a case where waste is deposited or discharged –
- (a) the site on which is deposited or discharged, is a designated waste dump for the type of waste and the waste has been deposited or discharged in accordance with the authorization from the Agency.
 - (b) the waste has been placed in a receptacle adapted for this purpose and there is an arrangement or arrangement has been made for the collected and disposal of the waste; or
 - (c) the waste –
 - (i) is of a type which under this Act may be deposited in a public waste bin
 - (ii) has been placed in a receptacle or a public waste bin which is approved by the Agency responsible for the collection and disposal of waste in accordance with the instructions of the Agency:
- (4) No person shall –
- (a) throw, deposit or place any waste on or in any street or public place;
 - (b) drive any vehicle on any street or public place unless any load which is likely to result in the littering or damage of the street or public place is so secured and packed that no part or content of the load may fall, escape or blow on to the street or public place.
- (5) Where part or the content of any load of a vehicle has fallen, escaped or been blown on to a street or public place it shall be presumed unless the driver proves the contrary that the driver of the vehicle has failed to secure the load as provided in sub-section (4)(b).
- (6) No person shall dispose of any hazardous waste within or through Seychelles without an authorization from the Agency.
- (7) No person shall import any hazardous waste into Seychelles.
- (8) (a) No person shall transport hazardous waste within or through Seychelles without an authorization from the agency.
- (b) No person shall export hazardous waste to any country without obtaining an authorization from the Agency and the prior informed consent of the receiving country.

(9) The Agency shall –

- (a) designate, monitor and regulate waste disposal sites;
- (b) monitor the contamination and degradation of the environment arising from the operation of any waste disposal site;
- (c) monitor the safety and health of workers at waste disposal sites;
- (d) maintain the statistical data on the nature, quantity and volume of waste generated, and on sites and waste processing, where waste disposal is taking or has taken place;
- (e) do all such things as appear to be reasonably necessary for the monitoring and control of waste.

(10) A person who contravenes subsection (3) or subsection (4) or subsection (6) or subsection (7) or subsection (8) (a) or (b) is guilty of an offence under this Act.

13. With a view to promote recycling and cleaner technology and minimizing waste disposal problems, the Minister may by regulations -

- (a) specify raw materials, additives or auxiliary substances that shall not be present or shall only be present in quantities as may be prescribed in materials and products sold or used in the Seychelles;
- (b) specify materials and products that shall contain specified proportions of recycled or recyclable material or products;
- (c) prescribe a fee to be paid to the designated Agency under Section 12(2) by importers or manufacturers of specified materials, products or goods including packaging material to cover costs in respect of disposal of the materials, products or goods.

14. (1) No person shall handle or cause to be handled any hazardous substance except in accordance with such procedures and after complying with such safe guards as may be prescribed.

(2) “Handling”, in relation to any substance, means the manufacture, processing, treatment, package, storage, transportation, importation, use, collection, destruction, conversion, offering for sale, transfer or the like of a substance.

(3) A person who contravenes subsection (1) is guilty of an offence under this Act.

PART IV

ENVIRONMENT IMPACT ASSESSMENT

Environment
Impact
Assessment
Study and
Authorization for
Particular
Projects and
Activities

15. (1) Notwithstanding any license, permit or approval granted under any other enactment any person who commences, proceeds with, carries out, executes or conducts or cause to commence proceed with, carry out, execute or conduct any prescribed project or activity or any project or activity in a protected or ecologically sensitive area as may be prescribed under this Act or under any other Act for the time being in force_

(a) without carrying out an Environmental Impact Assessment Study and obtaining the authorization from the Authority ; or

(b) in breach of any conditions imposed by the Authority,

is guilty of an offence.

(2) the Minister may, for the purposes of this Part appoint an Environmental Appraisal Committee or Committees to advice the Authority on any proposal for a project or activity.

(3) An Environmental Impact Assessment Study shall contain a true statement and description of 0-

(a) the location, size and scope of the project or activity and description of the original state of the environment prior to implementation of the project or activity;

(b) the principle, concept and the purpose of the project or he activity;

© the technical aspects relating to the project or the activity;

(d) the direct or indirect effects that the activity is likely to have on the population, flora and fauna, soil, air, water, landscape, and other physical assets including historical, artistic and archeological;

(e) any actions or measures which may avoid, prevent, change, mitigate or remedy the likely effects of the activity or the project on the environment;

- (f) the inevitable adverse effects that the project or the activity is likely to have on the environment if it is implemented in the manner proposed by the proponent;
- (g) the irreversible and irretrievable impact on the commitments of resources which will be involved by the project or the activity;
- (h) the actions or measures proposed for compensating physically or financially for any resulting loss or damage to the environment.
- (i) a study of the feasible alternatives considered, including a summary of all the expected impacts;
- (j) an environmental monitoring programme;
- (k) such other information as may be necessary to a proper review of the potential environmental impact of the project or the activity.

(4) (a) The project proponent shall be responsible for the preparation of Environmental Impact Assessment Study and its submission to the Authority.

(b) the procedures for submission of the Environmental Impact Assessment Study and for the grant of authorization by the Authority shall be as prescribed by regulations.

(5) (a) An Environmental Impact Assessment Study shall be open for public inspection at all reasonable times.

(b) the time limit for the submission of public comments shall be notified by the Authority by giving a notice to that effect in two issues of the daily newspaper with an interval of at least seven days between the first and the second publications.

(9) Wherever project implementation as referred to in this part brings about a change in the physical environment, the project proponent shall restore the matters specified by the Authority.

(10) Where the project proponent fails to do so the Authority may itself perform to work and recover the cost from the project proponent who, in any event, shall compensate for any resulting loss or damage to the environment.

(11) The Minister may, the approval of the Cabinet, in exceptional circumstances and by notification giving grounds on which the decision is based, exclude a prescribed project from the Environment Impact Assessment process.

(12) The notification under subsection (11) shall be made public and shall state the measures which are deemed to be necessary in order to reduce the environmental impact of the activity or the project.

(13) Any person aggrieved by the decision or order of the Competent Authority may appeal to the Minister in the prescribed manner, and the Minister may affirm, revoke or vary the decision or order.

(14) A person who fails to comply with a direction given under subsection (7) is guilty of an offence.

PART V

ENFORCEMENT

Enforcement
notice

16. (1) Where the Administrator is of the opinion that a person is contravening, or is likely to contravene any provision of this Act, the Administrator may cause to be served on the person an enforcement notice –

- (a) stating that the Administrator is of the said opinion;
- (b) specifying the matter constituting the contravention or the matters making it likely that the contravention will arise, as the case may be;
- (c) specifying the measures that shall be taken to remedy the contravention or eliminate the likelihood of a contravention as the case may be and
- (d) specifying the period within which the measures shall be implemented.

(2) Any person who fails to comply with an enforcement notice under subsection (1) is guilty of an offence.

17.(1) Where the Administrator is of the opinion that any project or activity or the manner in which a project or activity is carried on, involves an imminent risk of serious pollution of the environment, the Administrator may cause to be served on the person owning, or managing, or in charge of, or in control of the project or activity a prohibition notice.

(2) A prohibition notice may be served whether or not -

- (a) state the opinion of the Administrator;
- (b) specify the risk of serious pollution involved as well as the way in which the project or activity or the manner in which the

project or activity is carried on, is suspected to give rise to the risk;

(c) specify the measures that shall be taken to remove the risk of pollution and the period within which they shall be implemented;

(4) A prohibition notice shall not be a bar to a prosecution for any offence, even if there are consultations with the person served with the notice.

(5) Any person who fails to comply with a prohibition notice, is guilty of an offence.

18. (1) Any person affected, or any person empowered under Section 21, may apply to the Administrator for an amendment of a notice served under this Act.

(2) The Administrator, on the initiative of the Administrator, or on an application, may amend a notice served under this Act by causing to be served on the person affected a variation notice.

(3) A variation notice shall -

(a) refer to the notice which is amended;

(b) specify the amendment to the notice;

(c) where necessary, vary the date specified in the notice.

(4) A variation notice shall supersede the notice to which it refers to the extent of the amendment and shall be deemed to be a notice served under section 16 or section 17, as the case may be.

19. (1) There the Administrator is satisfied that –

(a) the measures required to be taken in a notice have been implemented;

(b) there exists no further pollution or risk of pollution to the environment by that project or activity; the Administration may withdraw the notice.

20. Any person aggrieved by a notice made under this part, may appeal to the Minister in the prescribed manner and the Minister may affirm, vary or revoke the notice.

21. (1) The Minister may empower any person appointed under this Act or under any other law for the purpose of implementation of specific provisions of this Act and shall issue to such person a certificate of his authority so to act.

(2) A person empowered under subsection (1) shall hereafter be referred to as an authorized officer.

22. (1) Any authorized officer shall have a right to enter, at all reasonable times with such assistance as the officer considers necessary, any place or premises for the performance of any of the functions entrusted to the officer under the Act and for the purpose of determining whether any provisions of this Act or any notice, order, direction or authorization served, made, given or granted under this Act is being or has been complied with and for the purpose of examining and testing any equipment, industrial plant, record, register, document or any other material object if the officer has reasons to believe that it may furnish evidence of the commission of an offence punishable under this Act or that such seizure is necessary to prevent or mitigate pollution.

(2) Every person carrying on any project or activity shall be bound to render all assistance to an authorized officer for carrying out the functions stated above and is, if the person fails to do so without any reasonable cause or excuse guilty of an offence under this Act.

(3) If any person willfully delays or obstructs any authorized officer in the performance of the functions of that officer, the person is guilty of an offence under this Act.

(4) An authorized officer shall, if so requested, by any person affected, produce the certificate of authority referred to in section 21.

23. The Minister may declare an environmental emergency-

- (a) where pollution occurs or is apprehended to occur due to any accident or other unforeseen act or event; or
- (b) where in the opinion of the Minister there is an imminent risk of serious pollution of the environment.

24. In case of an environmental emergency declared under section 23, an authorized officer may, without warrant, arrest a person reasonably suspected of the contravention of this Act.

25. (1) Any authorized officer shall have the power to take, for the purpose of analysis, samples of air, water, soil or other substance from any factory premises or other place in such manner as may be prescribed.

(2) The result of any analysis of a sample taken under subsection (1) shall be admissible in evidence in any legal proceeding provided the procedure set out in subsections (3) and (4), as the case may be, is followed.

(3) In exercising the powers under subsection (1) the authorized officer shall -

- (a) serve on the owner or the agent of the owner or person in charge of the place, a notice, then and there, in such form as may be prescribed, of the intention of the officer to have it so analysed;
- (b) in the presence of the owner or the agent or person in charge of the place, collect a sample for analysis;
- (c) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the authorized officer and the owner or the agent or person in charge of the place;
- (d) send without delay, the container or the containers to the laboratory established or recognized under the Act.

(4) When a sample is taken for analysis and the authorized officer taking the samples serves on the owner or agent of the owner or person in charge of the place, a notice under subsection (3) (a) the -

- (a) in a case where the owner, the agent or person in charge of the place willfully keeps away from the places, the authorized officer shall collect the sample for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the authorized officer taking the sample, and
- (b) in case where the owner or the agent or person in charge of the place present at the time of taking the sample refuses to sign the marked and sealed container or containers of the sample as required, the marked and sealed container or containers shall be signed by the authorized officer taking the samples, and the container or containers shall be send without delay by the authorized officer taking the sample for analysis to the laboratory established or recognized under the Act and the authorised officer shall inform the Government Analyst appointed or recognized under the Act in writing about the willful keeping away of the owner or the agent or person in charge of the place or, as the case may be, the refusal to sign the container or containers.

26. (1) The Minister may, by notice in the Gazette –

- (a) establish one or more environmental laboratories;
- (b) recognize one or more laboratories or institutes as environmental laboratories,

to carry out the functions entrusted to the environmental laboratory under this act.

(2) The Minister may, make regulations specifying:-

- (a) the functions of the environmental laboratory;

- (b) the procedure for the submission to the said laboratory of samples of air, water, soil or other substance for analysis or tests, the form of the laboratory report thereon and the fees payable for such report;
- (c) such matters as may be necessary or expedient to enable that laboratory to carry out its functions.

27. The Minister may by notice in the Gazette, appoint or recognize such person or persons as the Minister thinks fit and having the prescribed qualifications to be Government Analysts for the purpose of analysis of samples of air, water, soil or other sent for analysis to any environmental laboratory established or recognized under the Act.

28. Any document purporting to be a report signed by the Government analyst may without proof of signature, be used as evidence of the facts stated therein in any proceeding under this Act.

PART VI

OFFENCES, PENALTIES AND PROCEDURES

29. (1) A person who is guilty of an offence under section 12(4)(a) &(b) is liable on conviction to a fine of Rs. 5000.

(2) Where on any occasion, an authorised officer finds a person who the officer has a reason to believe has on that occasion committed an offence under section 12(4) (a), the officer may give that person a notice offering the person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

(3) Where a person is given a notice under this section in respect of an offence –

- (a) no proceedings shall be instituted for that offence before the expiration of fourteen days following the date of the notice;
- (b) the person shall not be convicted of that offence if the person pays the fixed penalty before the expiration of that period.

(4) A notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state -

- (a) the period during which, by virtue of subsection (3) proceedings will not be taken for the offence;
- (b) the amount of fixed penalty; and

- (c) the person to whom and the address at which the fixed penalty may be made or paid.

(5) A fixed penalty specified in a notice under subsection (4) may be paid in cash to the person specified in the notice or by cheque enclosed in a letter addressed to that person at the address specified in the notice.

(6) Where a letter is sent in accordance with subsection (5), the payment shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(7) the form of notices under this section shall be such as may be prescribed under the regulations.

(8) The fixed penalty payable in pursuance of a notice under this section shall, subject to subsection (9), be R100.

(9) The Minister may by order substitute a different amount for the time being specified as the amount of the fixed penalty in subsection (8).

(10) In any proceedings a certificate which purports to be signed by or on behalf of the person receiving the fixed penalty stating that the payment of a fixed penalty was or was not received by a date specified in the certificate, shall, without

30.(1) Any person who commits an offence under section 16(2) or section 17(5) or section 22(2) or section 22(3) is liable on conviction, to imprisonment for one year and a fine of R50,000 and, if the offence is continued after conviction, is liable to a further fine of R5000 for each day during which the offence is so continued.

(2) A person who commits an offence under sections 7(4)(a) or section 7(5) or section 8(2) or section 8(3) or section 9(2) or section 11(4) or section 12(3) or section 12(6) section 12(7) or section 12(8) or section 12(8) (b) or section 14(1) or section 15(1) or section 15(14) is liable, on conviction, to imprisonment for 6 years and a fine of R250,000 and, if the offence is continued after conviction, is liable to a further fine of R5000 for each day during which the offence is so continued.

(3) Where an offence specified in subsection (2) is continued beyond a period of one year after conviction by the person is guilty of an offence and liable on conviction to imprisonment for not less than 2 years and not exceeding 7 years.

31. Any person who –

- (a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed by the Authority or any notice or other matter put up, inscribed or placed by or under the order of the Authority; or
- (b) obstructs any person acting under the orders or directions of the Authority from exercising the powers and performing the functions under this Act; or

- (c) damages any works or property belonging to Authority, or
- (d) fails to furnish to any officer or other employee of the Authority a report or any information required by the officer or employee for the purpose of this Act, or
- (e) fails to intimate the occurrence of any accident or other unforeseen act to the Authority, or
- (f) in giving a report or any information which the person is required to give under this Act, makes a statement which is false or misleading in any material particular,

is guilty of an offence and is liable on conviction to imprisonment for 6 months and a fine R10,000.

32. In addition to imposing a penalty for an offence arising under the provisions of this Act, the Court may order the person convicted to compensate for any loss or damage to the environment and to take such steps as may be specified in the order and within such time as may be specified, to pay damages and to prevent, control, abate or mitigate any harm to the environment caused by the commission of the offence or to prevent the continuance or recurrence of the offence.

33. (1) Where any offence under this Act has been committed by a company, every person who, at the time of offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company is guilty of the offence and liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if the person proves that the offence was committed without the knowledge of that person or that the person exercised all due diligence to prevent the commission of such offence.

(2) Where an offence under this Act has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer is guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) For the purposes of this section -

- (a) “company” means any body corporate and includes a partnership or other association of individuals;
- (b) “director” in relation to a partnership, means a partner in the firm.

34. (1) The provisions of this Act shall be in addition to and not in derogation of the provisions of the Public Health Act.

(2) Subject to sub-section (1), in case of inconsistency between any of the provisions of this Act or the Regulations made thereunder and any other law for the time being in force, the provisions of this Act shall apply.

PART VII

MISCELLANEOUS PROVISIONS

35. The Minister may, by notification in the official gazette, delegate, subject to such conditions and limitations as may be specified in the notification, such of the powers and functions under this Act (except the power to make regulations) as the Minister may deem necessary or expedient, to any person or public authority.

36.(1) Where the discharge of any pollutant in excess of the prescribed standards occurs or is apprehended to occur due to any accident or other unforeseen act or event, the person responsible for such discharge and the person in charge the premises shall be bound to prevent or mitigate the pollution caused as a result of such discharge and shall also forthwith-

- (a) intimate the fact of such occurrence or apprehension of such occurrence; and
- (b) be bound, if called upon, to render all assistance,

to the Authority or such other authorities or agencies as may be prescribed.

(2) A person who fails to comply with subsection (1) is guilty of an offence and is liable on conviction to a fine of R10,000 and to imprisonment for one year.

37. (1) the Authority may, in relation to its functions under this Act, from time to time, require any person, officer or other authority to furnish to it or to any prescribed authority or officer any reports, returns, statistics, accounts and other information that may be required for the purposes of this Act and such person, Officer, or other authority shall be bound to do so.

(2) A person who fails to comply with subsection (1), on being required by the Authority to do so, is guilty of an offence and is liable on conviction to a fine of R10,000.

38. Where any officer of the Authority or any person appointed on a committee or any person discharging any function or duty under this Act discloses other wise than in the performance of the duty of the officer or such person any information relating to any trade secret used in carrying on a particular project or activity and the information has been given to the officer or such person by virtue of this Act, the officer or such person is guilty of an offence and is liable on conviction, to a fine of R10,000 and to imprisonment for one year.

39. No suit or prosecution or other legal proceedings shall lie against the Minister or an officer of the Authority or an officer empowered under this Act, for anything that is done or intended to be done in good faith in pursuance of this Act or the regulations made thereunder.

40.(1) The Minister may make regulations under this Act for all such matters as are to be prescribed under the Act and for any other matter that may be deemed necessary in pursuance of the objects of this Act, for the protection of any aspect of the environment and for the prevention, control and abatement of environmental pollution.

(2) Regulations made under this section may provide for offences and penalties not exceeding R20,000 by way of fine and 2 years by way of imprisonment in respect of those offences.

NO SUBSIDIARY LEGISLATION

note. Since 31st December, 1994 the following regulations have been made –

- (a) Environment Protection (Standard) Regulations (SI. 83 of 1995)
- (b) Environment Protection (Miscellaneous) Regulations (SI. 84 of 1995)

S.I. 14 of 2001

ENVIRONMENT PROTECTION ACT

(Cap 71)

Environment Protection (Containers) Regulations, 2001

In exercise of the powers conferred by section 40 of the Environment Protection Act, the Vice-President, acting as the Minister of Environment and Transport, hereby makes the following Regulations ---

1. These Regulations may be cited as the Environment Protection (Containers) Regulations, 2001.

2. In these Regulations ---

“Administrator” means the Director General of the Environment Division of the Ministry of Environment and Transport or such other officer as may be so designated by the Minister;

“Container” means a large receptacle of standard design used for transportation goods.

3. (1) These Regulations shall apply to all containers except those that are going used for the transportation of goods and those that are kept at container yards.

(2) In the event of any dispute as to the applicability of these Regulations to a particular container the Administrator’s determination shall be final and conclusive.

4. (1) No person shall have in that person’s custody, or possess or use, a container to which these Regulations apply otherwise than under and in accordance with the conditions of a permit issued under these Regulations.

(2) The conditions of a permit shall relate to the sitting, use, maintenance and disposal of the container in respect of which the permit is given.

(3) This regulation shall not be enforced until thirty days have passed after the coming into operation of these Regulations.

5. A person may apply to the Administrator for a permit under these Regulations stating ---

- (a) the name and address of the applicant;
- (b) the premises where the container is kept;
- (c) the purpose for which the container is used or is proposed to be used;

(d) the manner of disposal of the container.

6. Where, on the coming into operation of these Regulations, a person has in that person's custody or possesses or uses a container to which these Regulations apply, that person shall be deemed to have complied with Regulation 4, if an application is made by that person within 30 days after the coming into operation of these Regulations, and a written acknowledgement of the application is obtained by that person.

7. (1) If an application for a permit under these Regulations is not granted, the Administrator may by written notice, direct the applicant to dispose of the container in such manner and within such period as may be specified in the notice.

(2) If a container is not sited, used or maintained in accordance with the conditions of a permit the Administrator may by written notice direct the permit holder to dispose of the container within the period specified in the notice.

(3) The Administrator may by written notice direct ---

- (a) a person who appears to be in contravention of regulation 4(1) to comply with that regulation within such period as may be specified in the notice;
- (b) the owner of any abandoned container to remove or dispose of the container in such manner and within such period as may be specified in the notice.

8. A person who contravenes regulation 4 or a direction under regulation 7 shall be guilty of an offence, and shall on conviction be liable to a fine not exceeding R20,000.

MADE this 20th day of April, 2001

S.I. 51 of 1999
ENVIRONMENT PROTECTION ACT
(Cap 71)

Environment Protection (Fixed Penalty) Order, 1999

In exercise of the powers conferred by section 29(9) of the Environment Protection Act, the Vice-President, acting as the Minister of Environment and Transport, hereby makes the following Order ---

1. This Order may be cited as the Environment Protection (Fixed Penalty) Order, 1999.
2. With effect from the date publication of this Order, the fixed penalty payable in pursuance of a notice under section 29 of the Environment Act shall be R200.

MADE this 14th day of October, 1999.

S.I. 40 of 1995

ENVIRONMENT PROTECTION ACT, 1994

(Act 9 of 1994)

Environment Protection (Designation of Solid Waste Agency) Regulations, 1995

In exercise of the powers conferred by sections 12(2) and 40 of the Environment Protection Act, 1994, the Minister of Foreign Affairs, Planning and Environment makes the following Regulations ---

1. These Regulations may be cited as the Environment Protection (Designation of Solid Waste Agency) Regulations, 1995.
2. In these Regulations ---

“Agency” means the Solid Waste and Cleaning Agency established under regulation 4.

“Board” means the Board constituted under these Regulations for the Management of the Agency.
3. The Agency established under regulation 4 is hereby designated as the agency responsible for the management of wastes.
4. There is hereby established an agency to be called the Solid Waste and Cleaning Agency which shall be a body corporate
5. (1) The agency ---
 - (a) shall be responsible for the management of wastes;
 - (b) shall designate, monitor and regulate waste disposal sites;
 - (c) shall authorize the deposit and discharge of waste at the waste disposal sites designated under paragraph (b);
 - (d) shall approve the receptacles and public waste bins in which waste may be placed or collected prior to collection for disposal at the waste disposal sites;
 - (e) shall issue instructions as to the manner in which waste may be placed in receptacles or in public waste bins approved under paragraph (d);
 - (f) shall designate the locations where receptacles or public waste bins may be placed prior to collection for disposal at waste disposal sites;
 - (g) shall collect, clean and dispose waste;
 - (h) may charge such fee for the collection, cleaning and disposal of waste as may be prescribed by the Minister;
 - (i) shall authorize and regulate the disposal, transport within or through Seychelles, and the export of hazardous waste;

- (j) shall monitor the contamination and degradation of the environment arising from the operation of any waste disposal site designated under paragraph (b);
- (k) shall monitor the safety and health of workers at waste disposal sites;
- (l) shall maintain the statistical data on the nature, quantities and volume of waste generated, and on sites and waste processing where waste disposal is taking or has taken place;
- (m) may advise the Minister on regulations the Agency may consider it reasonably necessary for carrying out its functions.

(2) The Agency may enter into contracts or agreements with any other persons for the collection, cleaning and disposal of waste and other matters relating thereto.

6. (1) The Agency shall be managed by a Board consisting of ---

- (a) a representative of the Division of Environment of the Ministry responsible for Environment nominated by the Minister responsible for Environment;
- (b) a representative of the Ministry responsible for Health nominated by the Minister responsible for Health;
- (c) a representative of the Seychelles Chamber of Commerce and Industry nominated by the Chamber ; and
- (d) a representative of the Consumer's Association nominated by that Association.

(2) The representative nominated under subregulation (1)(a) shall be the Chairman of the Board

(3) Where a Minister referred to in subregulation (1) is responsible for more than one subject matter referred to in that subregulation, the representative of that Ministry nominated by that Minister shall represent on the Board all such subject matters.

(4) The Minister shall publish in the Gazette the names of the members of the Board nominated under subregulation (1) and the members shall hold office for a period of 2 years from the date of publication.

(5) In case of a vacancy in the membership of the Board, other than on the expiration of the period of office, the Minister who nominated the member who vacated membership shall nominate another person to fill the vacancy and on the publication in the Gazette of the name of the persons so nominated, the person shall hold office for the unexpired period of membership of the member who vacated membership.

(6) The Board shall meet at least once each month and at such other times as the Chairman may determine.

(7) One half of the number of members of the Board shall constitute a quorum for any meeting of the Board.

(8) The chairman or, in the absence of the Chairman, a member elected by the members present to preside at the meeting shall preside at a meeting of the Board.

(10) The members of the Board may be paid such allowances as the Minister may determine.

7. (1) The Minister shall appoint a person to be the Managing director of the Agency on such terms and conditions as may be applicable to employees of public bodies.

(2) Subject to the directions of the Board, the Managing Director ----

- (a) shall have supervision over and direction of the day to day affairs of the Agency and shall be its chief executive officer.
- (b) shall perform the functions of Agency;
- (c) shall have power to sign the documents on behalf of the Agency;
- (d) may delegate any of the powers of the Managing Director to any other employee of the Agency.

(3) On appointment under subregulation (1) the Managing Director of the Agency shall be an ex-officio member of the Board.

(4) The Agency may employ such persons as are necessary to assist the Managing Director in the performance of its functions on terms and conditions and according to the procedures applicable to employees of public bodies.

8. (1) The funds of the Agency shall consist of ----

- (a) moneys appropriated by the Appropriation Act and paid to the Agency;
- (b) moneys lawfully charged by the Agency.

(2) The funds of the Agency may be applied by the Agency ---

- (a) in payment of expenses incurred by the Agency in the performance of its functions;
- (b) in payment of salaries payable to its staff including the Managing Director and the allowances payable to the members of the Board.

9. (1) For each financial year the Agency shall prepare and submit to the Minister responsible for finance the estimates of income and expenditure of the Agency.

(2) The Minister may, acting after consultation with the Minister responsible for finance, approve with or without modification the estimates submitted under subregulation (1).

(3) After the Minister approves the estimates under subregulation (2), the estimates so approved shall be the estimates of the Agency for the financial year for which it is prepared.

(4) The financial year of the Agency shall be a period of 12 months ending on the 31st December of any year.

Provided that the first financial year of the Agency shall end on 31st December next following the date of publication of these Regulations.

10. (1) The Agency shall keep proper accounts and records in relation to the accounts and shall prepare in respect of each financial year of the Agency a statement of accounts in such form as the Minister, acting after consultation with the Minister responsible for finance, may direct.

(2) The accounts and the statement of accounts of the Agency shall be audited by an auditor appointed by the Minister.

(3) As soon as the accounts are audited under subregulation (2), the Agency shall send to the Minister and the Minister responsible for finance a copy of the statement together with a copy of any report made by the auditor on that statement or the accounts of the Agency.

MADE this 5th day of May, 1995

S.I. 29 of 2000

ENVIRONMENT PROTECTION ACT

(Cap 71)

**Environment Protection (Miscellaneous) (Amendment)
Regulations, 2000**

In exercise of the powers conferred by section 40 of the Environment Protection Act, the Vice-President acting as the Minister of Environment and Transport hereby makes the following Regulations ---

1. These Regulations may be cited as the Environment Protection (Miscellaneous) (Amendment) Regulations, 2000.
2. The Environment Protection (Miscellaneous) Regulations, 1995 are amended as follows---

(a) in the First Schedule –

- (i) by repealing paragraph I and substituting therefore the following paragraph:

“I, (1) Director, Assistant Director, Biochemist, Senior Project Officer, Project Officer, Environment Officer, Project Technician, Senior Laboratory Technician, Laboratory technician, Environment Inspectors not below the grade III level from the Environment Assessment and Pollution Control Section of the Division of Environment.

- (2) Managing Director, Senior Parks Officer, Parks Officers, Assistance Parks Officer and Rangers from the Marine Parks Authority;
- (3) Commissioned Officer of the Seychelles Coast Guard.
- (4) Police Officers of and above the rank of Sub-Inspector;
- (5) Coxswain and Marine Mechanics of the Port and Marine Services Division”

- (ii) by repealing paragraph III and substitution therefore the following paragraph;

“III. (1) Principal Secretary of the Ministry of Environment and Transport;

(2) Director General of the Division of Environment;

(3) Director, Assistant Director, Biochemist, Senior Project Officer, Project Officer, Environment Officer, Project Technician, Senior Laboratory Technician, Laboratory Technician, Environment Inspectors not below the grade III level from the Environment Assessment and Pollution Control Section of the Division of Environment;

(4) Director, Senior Conservation Officer, Conservation Officer, Assistant Conservation Officer, Senior Project officer, project Officer, Ranger not below the Grade II level from the Conservation Section of the Division of Environment;

(5) Director, Assistant Director, Forestry Officer, Assistant Forestry Officer, Senior Project Officer, Project Officer, Forester, Forest Ranger (Grade 1 & 11) from the Forestry Section of the Division of Environment;

(6) Any Senior or Assistant Education Officer from the Education and Information Unit of the Division of Environment;

(7) Director, Amenity Officers from the Landscape Management Division.

(8) Director General, Pier Master from the Port and Marine Services Division;

(9) Director General, Officers of the Legal Unit, Marsh Unit Supervisors of the Policy, Planning and Services Divisions;

(10) Assistant Market Keepers (Grade 1 & 11) of the Ministry of Agriculture and Marine Resources;

(11) Police Officers;

(12) Wardens and Rangers from the Seychelles Islands Foundation;

(13) Director General, Highway Patrol Officers, Specialised Highway Patrol Officers, Traffic wardens from the Land Transport Division;

(14) Fishing Port Manager, Assistant Fishing Port Manager, Senior Supervisor, Chief Security Guard, Pier Master from the Seychelles Fishing Authority;

(15) Managing Director, Manager, Project Co-ordinator, Project Officers, Senior Parks Officers, Parks Officers, Ranger Grade 3 & 4 from the Marine Park Authority;

(16) Managing Director, Administration Officers, Driver, senior Inspector, Chief Task Force Supervisor, Task Force Supervisor, Task Force Worker, Administration and Finance Manager, Senior Education Officer of the Solid Waste and Cleaning Agency”;

- (b) in the Second Schedule by repealing the entries in column 2 corresponding to the entries in column 1, and substituting therefore, the following entries---

“Director of Public Health Laboratory Biochemist,
Environmental Chemist
Director Plan Genetic research section:

- © in the Third Schedule, by repealing in Form VIII the words “SR100.00” and substituting therefore the words “SR200.00”.

MADE this 19th day of May 2000

S.I.49 of 1999

ENVIRONMENT PROTECTION ACT
(Cap 71)

**Environment Protection (Noise Emission Standards)
Regulations, 1999**

In exercise of the powers conferred by sections 6 and 40 of the Environment Protection Act, the Vice-President, acting as the Minister of Environment and Transport, hereby makes the following Regulations---

1. These Regulations may be cited as the Environment Protection (Noise emission Standards) regulation, 1999.
2. The limits of noise level in respect of areas and times referred to in the Schedule are hereby prescribed as the noise emission standards for the purpose of sections 6 and 9 of the Act.
3. These Regulations shall not apply to noise generated by aircraft, or vehicular traffic or animals.

SCHEDULE

1. In this Schedule---

“Authority” means the Authority within the meaning of section 4 of the Act;

“noise” means the vibration of a frequency within the range of 0-20,000 Hertz;

“dB(A)” means decibels on the A-weighting scale;

“Leq” means the continuous sound level which gives the same total energy as the varying sound level;

“L(10)” means the sound pressure level exceeded 10% of the time;

“pristine: used with reference to an area denotes a natural environment of particular value because of its quietness, beauty or natural sounds;

“impulse” means an abrupt variation of short duration of noise level followed by a rapid return to the initial state;

“industrial” used with reference to an area means an area of land developed for the siting of trade and manufacturing enterprises;

“residential” used with reference to an area means an area mainly occupied by private houses.

2. Noise Emission Standards

Description of Area	Time	Limits in Decibel DB(A)
Residential	0600hrs – 2300 hrs 2300 hrs – 0600 hrs	60 Leq 55 Leq
Industrial	At all times	(1.10) 75 Measurement shall be done at Boundaries of industrial sites
Audible intrusion in Pristine acoustic environment	At all Times	60 Leq

3. Testing

Testing shall be carried out in accordance with Appendix A of Ss43: 1998 or any other test methods approved by the Authority

Equipment used for measurement of noise level shall be approved by the Authority.

A sampling time of 15 minutes shall be adopted for test unless the Authority decides otherwise.

MADE this 20th day of August 1999.

S.I. 39 of 1986

ENVIRONMENT PROTECTION ACT, 1994
(Act 9 of 1994)

**Environment Protection (Impact Assessment)
Regulations, 1996**

In exercise of the powers conferred by sections 15 and 40 of the Environment Protection Act, 1994 the Minister of Foreign Affairs Planning and Environment hereby makes the following regulations---

1. These regulations may be cited as the Environment Protection (Impact Assessment) Regulations, 1996.

2. In these regulations unless the context otherwise requires---

“Authority” means the Authority as defined in regulation 2(a) of the Environment Protection (Miscellaneous) Regulations, 1995,

“proponent” means the owner of, or a person who has the charge, management or control of, the project or activity or any proposal, plan, or programme in respect of a project or activity whether in the public or in the private sector.

“EIA” means an Environment Impact Assessment Study.

“environmental authorization” means an authorization under section 15(1) of the Act.

3. (1) For the purposes of section 15(1) of the Act---

(a) a project or activity specified in Schedule 1; or

(b) any other project or activity which for reasons to be stated in writing, in the opinion of the Authority, likely to have a significant impact on the environment,

(2) For the purpose of section 15(1) of the Act any area specified in Schedule 2 is a protected area or an ecologically sensitive area, as the case may be.

4. (1) An application for an environmental authorization of a prescribed project or activity or a project or activity in a protected area or an ecologically sensitive area shall be made by its proponent---

(a) where the project or activity is a development within the Town and Country Planning Act, to the Minister responsible for the administration of that Act to the Town and Country Planning

Authority established under the Act, as the case may be, who or which shall forward a copy of the application to the Authority; or

- (b) where the project or activity does not fall within paragraph (a), to the Authority.

(2) Where the Minister or the Town and Country Planning Authority referred to in subregulation (1) (a) forwards a copy of an application under that subregulation to the Authority, the Minister or the Town and Country Planning Authority shall, in exercising the powers under the Town and Country Planning Act, have regard to a grant or refusal of an environmental authorization in respect of that application.

5. (1) On receipt, under regulation 4, of an application for environmental authorization, or a copy of the application, the case may be, the Authority shall, subject to sub-regulation (2) determine whether the project or activity requires---

- (a) an EIA class I; or
- (b) an EIA class II

(2) In making a determination under subregulation (1), the Authority shall have regard to the guidelines laid down by the Authority and the likely impact that the project or activity may have on the environment.

(3) The Authority shall inform its determination under subregulation (1) to the proponent of the project or the activity and, where applicable, to the Minister or town and Country Planning Authority referred to in regulation 4(1)(a) within 14 days after the receipt of the application or its copy by the Authority.

6. (1) Where the Authority determines under regulation 5 that a project or activity requires an EIA class I, the Authority shall define the terms of reference of the EIA and forthwith notify the proponent and, where applicable, the Minister or the Town and Country Planning Authority referred to in regulation 4(1)(a).

(2) Where the Authority determines under regulation 5 that a project or activity requires an EIA class II, the Authority may ---

- (a) on behalf of the proponent undertake the preparation of the EIA; or
- (b) direct the proponent to prepare the EIA and define its terms of reference, and forthwith notify the proponent and, where applicable, the Minister or the town and Country Planning Authority referred to in regulation 4(1)(a).

(3) Where the Authority undertakes the preparation of the EIA under subregulation (2) (a), the Authority shall direct the proponent of the project or activity to submit to the Authority such information as may be necessary and obtain such other assistance from the proponent or any other organization or agency in the public or private sector.

7. (1) A proponent of a project or activity shall, after the preparation of the EIA in accordance with the terms of reference defined under regulation 6(1) or 6(2)(b), as the

case may be, submit the EIA to the Authority along with other documents as may have been requested by the Authority.

(2) The Authority ---

- (a) shall make a preliminary review of the EIA and the documents submitted under subregulation (1); and
- (b) may require the proponent to carry out further study or submit additional information for the purpose of ensuring that the EIA is as accurate and exhaustive as possible.

(3) On receipt of all the completed documents, the Authority shall give an acknowledgement to the proponent.

(4) The Authority may, for the purpose of the review under subregulation (2)(a) request any person organization or agency in the public or private sector to submit their observations in writing on the EIA.

(5) Any person, organization or agency requested under subregulation (4) to submit the observations on an EIA shall not divulge or communicate any information contained in the EIA to any other person, organization or agency except with the consent in writing of the proponent in relation to that EIA or of the Authority.

(6) Any contravention of subregulation (5) is an offence punishable by a fine of R5000 and imprisonment for a period of 6 months.

8. (1) An EIA prepared by a proponent of a project or activity or by the Authority on behalf of the proponent shall be open for public inspection at such place and within such period as may be specified in a notice published by the Authority under this regulation.

(2) The notice under subregulation (1) shall state ----

- (a) the summary description of the project or activity;
- (b) the location where the project or activity is to be carried out;
- (c) the place where the EIA may be inspected;
- (d) the period within which the EIA is open for inspection.

(3) The notice shall be published in 2 issues of a local newspaper with an interval of not less than seven days between the first and second publication.

(4) Any member of the public being a citizen or a resident of Seychelles may make in writing comments on the EIA or the project or activity relating to the EIA within the period specified in the notice under subregulation (1) or record the comments in the register kept by the Authority at the place of inspection specified in the notice under subregulation (1).

9. (1) There it is considered necessary by the Authority, the Authority may refer the E.I.A. to an Environmental Appraisal Committee appointed under section 15 (2) of the Act.

(2) The Environmental Appraisal Committee, hereafter referred on as “EAC”, shall consist of not less than 5 and not more that 7 technical experts in the relevant development sector and representatives of the concerned Ministries or departments.

(5) The EAC, in relation to a referred project or activity, shall have a of entry and inspection of the site, or as the may be, premises, at any time prior to, during, or after the commencement of the operations relating to the project or activity.

(6) The EAC shall examine the EIA referred to it by the Authority along with the comments and observations made by it, and any public comments that may have been received.

(7) The EAC shall make its recommendations to the Authority.

(8) Subject to subregulation (3), the EAC shall regulate its meetings and proceedings.

10. (1) In granting an environmental authorization for a project or activity, the Authority shall have regard to ----

(a) any comments made under regulation 8(4); and

(b) any recommendations made by the EAC.

(2) The Authority may require the proponent of the project or activity to furnish any additional information as may be required any time before granting the environmental authorization for the project or activity.

(3) An environmental authorization granted for a project or activity may be subject to such terms and conditions as may specified by the Authority.

(4) Where the Authority---

(a) approves the EIA in respect of a project or activity it shall grant an environmental authorization to the proponent of the project or activity.

(b) does not approve the EIA in respect of a project or activity, it shall refuse to grant an environmental authorization to the proponent of the project or activity.

(5) The Authority shall notify its decision---

(a) to grant an environmental authorization; or

(b) to refuse an environmental authorization,

for a project or activity to the proponent of the project or activity and, as the case may be, to the Minister or the Town and Country Planning Authority referred to in regulation 4(1) within 56 days after the date of acknowledgment of the documents given by the Authority under regulation 7(3) if the project or activity falls under the category requiring an EIA class I and within 28 days after the aforesaid date of acknowledgment if it falls under the category requiring an EIA class II.

11. (1) Any person aggrieved by a decision given by the Authority under regulation 10(4) may appeal to the Minister in Form I in schedule 3 within 30 days from the date receipt of the decision or order.

(2) An appeal under subregulation (1) shall be accompanied by a fee of R250.

12. (1) Where any development of land, not being a development falling within regulation 4(1) (a), requires permission of the Town and Country Planning Authority established under the Town and Country Planning Act, an application for such permission shall be referred to the Authority,

(2) The Authority shall consider the application referred to it under subregulation (1) within a period of 2 weeks after the referral and make its observations to the Town and Country Planning Authority.

(3) In granting permission for any development referred to in subregulation (1), the Town and Country Planning Authority shall have to the observations made under subregulation (2).

SCHEDULE 1

PROJECTS OR ACTIVITIES REQUIRING ENVIRONMENT AUTHORISATION

CATEGORY OF PROJECT OR ACTIVITY

1. Mining:
 - 1-1 Quarries and deposit sites.
 - 1-2 Stone crushing
 - 1-3 Commercial production of aggregates and other materials

2. Agriculture production:
 - 2-1 Commercial rearing of livestock, including pigs, cattle and poultry.
 - 2-2 Drainage or irrigation for commercial purposes.

3. Forestry
 - 3-1 Logging operations.
 - 3-2 Forest tracks or trails: construction or improvement.
 - 3-3 Sawmills: construction.

4. Fish and associated products farming:
 - 4-1 Fish farming works and extension, aquaculture.
 - 4-2 Fish processing plants and equipment.

5. Chemical industries:
 - 5-1 Manufacture, handling, storage and transportation of hazardous chemical or substances.

6. Industry
 - 6-1 Construction of industrial buildings.
 - 6-2 Installation of industrial equipments.
 - 6-3 Transportation equipment of industrial products: (classified dangerous as per UNEP specifications)

7. Food and agriculture industries

8. Energy production and distribution:
 - 8-1 Power plant.
 - 8-2 Electric line.
 - 8-3 Gas storage.
 - 8-4 Pipeline.
 - 8-5 Bottling plant.

9. Water:
 - 9-1 Dams and reservoirs.
 - 9-2 Water treatment plant.
 - 9-3 Public water supply network.
 - 9-4 Desalinization plant.

10. Sewage and waste water:
 - 10-1 Sewerage treatment plants.
 - 10-2 Sewage networks and outfall:

11. Solid waste:
 - 11-1 Dumping sites.
 - 11-2 Treatment plant.
 - 11-3 Collecting equipment.

12. Hotels, Restaurant, and Tourism
 - 12-1 New hotels or extension of existing hotels
 - 12-2 Facilities such as golf, swimming pools ...
 - 12-3 Restaurants.

13. Fishing vessels and fleet construction:
 - 13-1 New industrial vessels.

- | | |
|------|--|
| 14. | Transports, Harbour and Marine: |
| 14-1 | Harbour construction and development |
| 14-2 | Construction of airfields aviation strips and landing grounding. |
| 14-3 | Harbour dredging operations. |
| 14-4 | Equipment purchase and installation. |
| 14-5 | Sea defenses and sea walls. |
| 14-6 | Dry docks. |
| 15. | Land reclamation |
| 16. | Habitat |
| 16-1 | Housing development and or land subdivision that would give rise to the creation of a large housing estate. |
| 16-2 | Housing development and or land subdivision that would result in increased pressure on existing infrastructure and or environment. |
| 17. | Road network: |
| 17-1 | New roads. |
| 17-2 | Extension out from existing bank. |
| 17-3 | Surfacing of earth tracks or roads. |
| 17-4 | Water drainage networks. |

SCHEDULE 2

PROTECTED AND ECOLOGICALLY SENSITIVE AREAS

- A) Protected areas
- A.1. National parks, special nature and wildlife reserves and other protected areas:
- (i) All areas designated under section 5 of the National Parks and Nature Conservancy Act (Cap. 141).
 - (ii) Shell reserves as designated under the Fisheries Act. (Cap. 82 Sub. Leg. Pg. 16).
 - (iii) Protected areas designated under the Protected Areas Act: African banks, Ile Coco – Ile la Fouche, - Ilot Platte, - Bel Ombre. (Cap. 185 Sub. Leg. Pgs 9, 10 and 11).
 - (iv) Sainte Anne Island land use plan conservation area. NRC 95/13.

- (v) Anse Lazio coastal belt (Landscape of outstanding beauty). CAB 95/54.

A.2. Historical sites and areas surrounding the National Monuments:

The area within a radial distance of 50 metres around each of the National Monuments which are protected by a declaration order under the National Monuments Act any other law and around those sites, buildings and monuments which are given in the list below (A3), except however, in the case of those historical sites, buildings or monuments located in any of the districts of Mount Buxton, English Rivers, St, Louis, Bel Air, Plaisance and Mont Fleuri in which case the radial distance shall be 30 metres instead of 50 metres.

A.3. Sites, building, monuments: (see A2 for conditions).

Fiennes Esplanade, F. Rache Av., Victoria	Remains of l'establissement du Roi,
Original Land of the French, Baie Lazare	State House.
Original site of Pierre de Possession	War Memorial, Mont Fleuri Cemetery,
La Poudrière	Mont Fleuri
Water Mill, Cascade	Battery Guns, Sainte Anne.
Carnegie Building, Victoria	Four à graisse de baleine, Sainte Anne
Lighthouse, Victoria Harbour.	Queau de Quincy Building, Mont Fleuri.
Northolme Hotel, Glacis.	Bagatelle House and gardens.
Old Pirogue Sheds, Anse Aux Pins.	Jardin du Roi House and gardens.
Regina Mundi School, Mont Fleuri	Anse Royale, Church of England, Anse
Salles d'oeuvres, Victoria	Royale
Seychelles College, Mont Fleuri	Beauvoir church, La Misere.
Seychelles Hospital, Victoria	Cathedral of the Immaculate Conception,
Signal Hill Look out Post, Mt. Signal, Riv	Victoria
Anglaise	St. Francis Catholic church, Baie Lazare
Lenstiti Kreol, Anse Aux Pins	St. Roch Catholic church, Bel Ombre.
Victoria Market, Victoria	St. John Baptist Catholic church, Glacis.
Ex. St. John Bosco School, Belonie, Victoria	St. Anthony Catholic church, Anse Etoile
Camion Hall, CODEVAR, Victoria	St. Theresa catholic church, Plaisance.
Léproserie, Ile Ronde.	St. Micheal Catholic church, Anse Aux Pins
Syna Adeline plantation house Anse Kerlan	St. Joseph Catholic church, Anse Royale.
Léproserie, Curieuse.	St. Mary Magdalena Catholic church,
Queau de Quincy's Tomb, State House.	Takamaka.
Anse Boileau Catholic church.	Anse Déjeuner Church of England.
Grande Anse Catholic church.	Seven's day Adventist chapter, St Louis.
Port Glaud Catholic church.	New Apostolic church, Mont Fleuri.
St. Louis chapel, Saint Louis.	Hindu temple, Victoria.
Sainte Anne chapel, Cerf Island.	Islam Mosque, Victoria.
St. Mathew's church, Grand Anse Praslin.	Francis Rachel street.
St. Joseph Catholic church, Grand' Anse	Market street.
Praslin.	Albert street.
Pentecostal church, Mont Fleuri.	Revolution Avenue.

A.4. Remarkable natural landscapes:

All areas listed below are sites of outstanding natural and physical beauty, either natural or developed. As designated on maps deposited with the Division of Environment and certified by the Director General of Environment.

MAHE:

- Mont Sebert --- Les Dents.
 - Castle peak.
 - Glacis du Cap at Anse Aux Pins.
 - Fairyland, Ile Souris et plages.
 - Anse Parnel et Cap Iascars.
 - Rochers d'Anse Forbans.
 - Anse Capucins.
 - Anse Petite Boileau
 - Pointe Police.
 - Pointe du Réduit.
 - Pointe Marave.
 - Glacis de Val Mer.
 - Pointe Gouvernement.
 - Pointe Petit Gouvernement.
 - Pointe Petite Anse.
 - Falaises des Remparts.
 - Pointe Barbarons.
 - Cascade de Souvenir la Misère.
 - Petite ile.
 - Pointe Escalier.
 - Cascade de Port Glaud.
 - L'Ilot.
 - Falaise de Danzille.
 - Pointe sud d'Anse Boileau
 - La Rêserve.
- Rock at Anse Louis, "teapot"
 - Rocks at le Rocher
 - Danzille to Anse Major.
 - Cascade de Grand Anse
 - Cascade de Bel Ombre.
 - Rocks at Baie Lazare beach.

PRASLIN

- Anse Lazio and Baie Chevalier.
- Anse Georgette.
- Petite Anse Kerlan.
- Anse Matelot
- Ilot Chauve Souris.
- Ilot Saint Pierre.
- Rocher du Comédien.

LA DIGUE

- Southern coast from pointe Source- - - D'Argent to Grand l'Anse
- Grande Anse and Petite Anse.
- Western coastal strip from pointe Turcy to Anse Patate.
- Pointe Cap Barbi.
- La Passe rocks.

A.5. Viewpoints:

The area extending upto 50 metres downwards. Away from the road, around viewpoints indicated below:

- Forêt Noire road down "The factory" – altitude from 80 to 120 m, and 160 to 180m.
- Forêt Noire road at "Sans Souci" – altitude from 200 to 210m, and 420 to 430m.
- Mission Lodge car park.
- La Misère road before "Grand Anse" – altitude from 100 to 150 metres.
- La Misère road at "la Misère" – altitude from 170 to 190 metres.
- Grand Fond at Praslin – altitude above 300 metres.

A.6. Inter-urban buffer zones:

The areas as defined in the indicative land use plan (PAT June 1992).

A.7. Waste catchment areas:

Those areas located upstream of dams that are used for public water catchment and water storage, and the following areas that are potential water catchment basins:

Rivière Mare aux cochons. Above 50 metres altitude.

Rivière Les Mamelles. Above 80 metres altitude.

Rivière Pasquière. Above 50 metres altitude.

La Digue: 150 metres radius around the wells at “le Plateau”

A.8. Industrial risk areas:

Areas in the vicinity of industrial equipments or activities, with a high risk potential in case of an accident or an hazard.

Mahé:

- 200 metres around Fuel and LPG storage at New Port Victoria.
- 200 metres around Fuel and storage at Mahé airport:
- 50 metres each side of river Anse Etoile, downstream of La Gogue Dam:
- 25 metres each side of river Rochon downstream of La Gogue dam.
- Mahé Airport landing path:
1000 m. radius from the end of the airstrip in both directions, in a 10° Angle.
- 200 metres around Anse Royale dumping site.
- 200 metres around Petit Paris dumping site.
- 200 metres around Pointe Larue quarry.
- 200 metres around Providence quarry.

Praslin:

- 200 metres around Fuel storage at Baie Sainte Anne.
- Airport landing path:
500 m. radius from the end of the airstrip in both directions, in a 10° Angle.
- 200 m. Around La Jalousie dumping site.
- 200 m. Around La Jalousie quarry.
- 200 m. Around Anse Citron quarry.

La Digue: - 200 m. Around L'Union dumping site.

A.9. Natural risk areas:

Areas with a risk potential, by natural hazards, especially landslides and fall of boulders, on granitic and red earth steepest slopes and surroundings, such as “Trois Freres Estate”.

“Pieds du Morne” area, North east of “Copolia”, Le Rocher” and “Brillant” area, “Anse Talbot” and “Riviere Bayonne” area, Mont Buxton area. As designed on corresponding maps ...

A.10. Any area where average slope within 50 metres on each side of the proposed development is higher than 1:2 gradient.

A.11. Earth erosion areas:

Areas which are highly eroded, particularly as a consequence of the destruction of the vegetation. An area is considered as eroded when the vegetation covers less than 50% of the ground, on an average basis.

A.12. High elevations:

Areas located at an altitude of more than 200 metres above the sea level, except in the following districts viz: English River, Mont Buxton, St. Louis, Bel Air, Plaisance, Anse Etoile and Grande Anse, where the altitude is set at 300 m. above the sea level.

A.13. Skyline:

Skyline is the line at which earth and sky appear to meet. It has an altitude higher than 50 metres above sea level and a water flow descending in two different directions. The sensitive area includes a 50 meter radius or strip from the skyline.

(b) Ecologically sensitive areas:

B.1. Natural Habitats for rare, protected or endemic species of fauna and flora:

The areas categorized below are based on one or more of the following considerations:

- to protect the endemic species.
- to protected species according to national or international (CITES) conventions, laws or regulations.
- to protect endangered species which need special attention because of particular uses which threaten their population.

Extension as designated on maps deposited with the Division of Environment and certified by the Director General of Environment.

MAHE:

- Montagne Glacis
- Mont Josephine
- Mt. Planeau – L'Abondance – Grand Bois – Varigault.
- Mont Sebert – Les Dents.
- Montagne Brulee – Castle Peak.
- Mont Parnel.
- Le Desert,
- Montagne Corail – Mont Cauvin – Giraffe.
- Riviere Dauban, Bardeau.
- Copolia.
- Anse Capucin

- Anse Bazarca.
- Glacis between Anse Louis and Souvenir
- Glacis at Barbarons.
- Glacis Béoliere.
- L'Islette.
- Sainte Anne, Grande Anse.
- Souvenir.
- Roche Caiman, Bird Sanctuary.
- Endangered birds nesting areas.

PRASLIN:

- Nouvelle decouverte.
- Consolation.
- Fond Ferdinand, Fond d'Albaretz.
- Cap Jean Marie.
- Riviere Pelissier.
- Mont Cabris
- Pointe Badamier.
- Newcome.
- Savoie.
- Petite Cour glacis.
- Grand Anse, Fond de l'Anse.
- Baie Pasquière.
- Endangered bird nesting areas.

LA DIGUE

- Nid d'Aigle.
- Woodlands of le Plateau – nesting territories for La Veuve.
- Belle Vue.
- Endangered birds nesting areas.

B.2. Marshes and Wetlands habitats:

Areas where the water table enables specific vegetation to thrive, whether the area is permanently or temporarily flooded, or fresh or salt water, including all mangroves.

The relevant areas may show some of the following characteristics:

- contributes to decrease in water pollution before it outflows to the sea.
- Decreases excessive flooding of lands.
- Contains specific fauna habitats and contributes to nesting and breeding of this type of fauna.

B.3. Streams and Surroundings:

Areas as categorized in Schedule A of the State Land and River Reserves Act. (Cap. 228).

B.4. Coastal Strips:

The area extending upto a distance of 100 metres towards landward side from the high water mark except in the following cases:

- Where a paved and regularly used vehicular road alongside the sea has been built nearer than 100 metres towards land. In this case, the road defines the boundary of the coastal strip.
- Where the area is already developed, including a 20 meter radius around the existing development.
- Where the area has been scheduled in an approved development plan for the proposed development.
- Where an integrated coastal zone management plan (ICZM) has defined the delineation of the coastal strip under section 11 of the Environment Protection Act.
- On the eastern coast of Mahé from North east Point to Ile du Suède.

B.5. Beaches and intertidal zones:

All areas between the lowest low tide and the dune crest plus 20 metres on the landward side. If a dune crest does not exist, the landward boundary will be 30 metres from the high water mark.

B.6. Seabed:

All lands that are regularly flooded by the sea within the territorial waters fall in this category. For estuary and mangroves, the sea bed boundary is defined by a junction line across the outflow at the high water mark.

B.7. Small islands and outlying islands:

All Seychelles islands except the main island of Mahe, Praslin, La Digue where the sensitive areas are defined based on specific considerations.

SCHEDULE 3

FORM 1

(FORM OF MEMORANDUM OF APPEAL)

Memorandum of Appeal under Regulation 11 of the Environment Protection (Impact Assessments) Regulations, 1995.

.....
.....
.....

..... Appellant
(here mention the name and designation)

Vs.

.....
.....
(here mention the name and designation
of the Authority)

.....Respondent

- (1) The appellant named above, begs to prefer this Memorandum of Appeal against the decision/order dated..... passed by
- (2) The facts of the case are as under:
(here briefly mention the facts of the case)
- (3) The grounds on which the appellant relies for the purpose of this Appeal are as below:

(here mention the grounds on which the appeal is made)
- (4) In the light of what is stated above the appellant respectfully prays that the decision/order is unreasonable and be set aside/varied in the following manner.
(here mention the manner in which the objections are made)
- (5) The amount of Rs. (Seychelles)

as fee for this Appeal has been paid to

vide receipt No. dated

Place:

Signature of the Applicant:

Date:

Name:

Occupation:

Address:

Verification

I (Appellant's name) in the above Memorandum of Appeal/or/duly authorized agent do/does hereby declare that what it stated therein is true to the best of my knowledge and belief and nothings has been hidden theeunder.

Signature.....

Name.....

Occupation.....

Address.....

.....

.....

.....

Dated this 22nd day of May, 1996.

S.I. 83 of 1995

ENVIRONMENT PROTECTION ACT, 1994
(Act 9 of. 1994)

**Environment Protection (Standards)
Regulations, 1995**

In exercise of the powers conferred by sections 6 and 40 of the Environment Protection Act, 1994, the Minister of Foreign Affairs, Planning and Environment hereby makes the following Regulations----

1. These Regulations may be cited as the Environment Protection (Standards) Regulations, 1995.

2. In these Regulations ---

“recipients system” means the part of the environment such as soil, water or rain or other medium which receives an effluent.

3. The Effluent Quality Standard specified in the Schedule is hereby prescribed as the Standard for the discharge of effluents to a recipient system from any industry, operation or process.

SCHEDULE

1. In this Schedule

- (a) Effluent Quality Standard means the maximum acceptable concentrations in an effluent as specified in paragraph 2.
- (b) BOD5 means Biochemical Oxygen Demand, which is a measure of the organic matter content of a sample that is susceptible to oxidation by micro-organisms at an incubational temperature of 20^oc over a period of five days.
- (c) COD means Chemical Oxygen Demand, which s a measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant.

2. Effluent Quality Standard

Parameters	Maximum concentration in milligram Per litre (mg/1) unless otherwise stated (except pH)
------------	---

Temperature	30°C measured at the point of Discharge
PH	5.5 – 8.5
Suspended Solids	30
BOD5 at 20°C	30
COD	80
Free Chlorine (as Cl ₂)	0.5
Phosphorus (as PO ₄)	5
Nitrate (as NO ₃)	15
Nitrite (As NO ₂)	1
Phenols	0.1
Chromium (total)	1.0
Arsenic (total)	0.1
Mercury (total)	0.05
Cadmium (total)	0.2
Lead (total)	0.9
Copper (total)	1
Zinc (total)	2
Iron (total)	5.0
Nickel (total)	1
Aluminum (total)	1
Tin (total)	0.1
Manganese (total)	2.0
Oil and grease	10
Total coliforms	500/100ml
Faecal coliforms	100/100 ml
Faecal streptococcus	100/100 ml
Salmonella	Must not be detectable in any 100 ml sample
Pesticides	In accordance with the law relating to pesticides which may be in force

3. Sampling

For the purpose of this Standard sampling shall be carried out in accordance with the British Standards 6068 – Guidance on Sampling of Waste Waters: Section 6.10: 1993, unless otherwise specified by the Authority.

4. Reference Methods of Analysis

For the purpose of this standard, the Reference Methods of Analysis shall be based on the methods, as adopted by the Laboratory established or recognised under section 26 of the Act.

MADE this 10th day of August, 1995.

S.I 54 of 1996

ENVIRONMENT PROTECTION ACT, 1994

(Act 9 of 1994)

**Environment Protection (Marine Parks Authority)
Order, 1996**

In exercise of the powers conferred by section 4(3) and (4) of the Environment Protection Act, 1994, the Minister of Foreign Affairs, Planning and Environment hereby makes the following Order ---

1. This Order may be cited as the Environment Protection (marine Parks Authority) Order, 1996.

2. In this Order ---

“Authority” means the marine parks designated under the National Parks and Nature Conservancy Act and specified in the Schedule.

“marine parks” means the marine parks designated under the National Parks and Nature Conservancy Act and specified in the Schedule.

3. There is hereby constituted the Marine Parks Authority which shall be a body corporate.

4 (1) The Authority ---

- (a) shall be responsible for the protection and management of the marine parks;
- (b) shall carry out the functions of the Seychelles National Environment Commission established under the National Parks and Nature Conservancy Act;
- (c) shall manage and direct development of the Ste Anne Island in an environmentally integrated fashion and invite private investment for projects approved by the Authority and use facilities on that island in an environmentally technical or scientific manner for the purposes of the Authority;
- (d) shall, at the request of the Minister, manage and direct development of any other island in the manner specified in sub-subparagraph ©;
- (e) shall carry out such other functions for the conservation of flora and fauna in the marine parks as may be conferred on the Authority by or under any written law;

- (f) may advise the Minister on regulations the Authority may consider reasonably necessary for carrying out its functions.

(2) The Authority is vested with the powers and duties of the Seychelles National Environment Commission for the purposes of carrying out the functions of the Commission under the National Parks and Nature Conservancy Act or any other written law.

(3) The Authority shall pay into the environment Trust Fund established by the Environment Trust Fund Order, 1994 fees collected by the Authority under the National Parks and Nature Conservancy Act for entry into or use of the marine parks.

(4) Where any matter is under the control and supervision of the Authority, no person or authority shall, subject to paragraph 7, interfere with or act in such matter contrary to or in disregard of the advice of the Authority except with the concurrence of the Cabinet.

(5) On the commencement of this Order the Seychelles National Environment Commission shall cease to exercise the functions conferred on the Authority by subparagraph (1).

5. (1) The Authority shall be managed by a Board consisting of -----

- (a) a representative of each of the Ministers responsible for Environment, Finance, Land, Marine Resources and Tourism nominated by the Minister of the relevant Ministry; and
- (b) such number of members as may be appointed by the Minister from among persons who have experience and have demonstrated interest in national parks.

(2) The representative of the Ministry responsible for Environment shall be the Chairperson of the Board

(3) A member appointed under subparagraph (1)(b) shall hold office for such period as may be determined by the Minister at the time of appointment and is eligible for reappointment.

(4) A member referred to in subparagraph (3) may be paid such allowances as the Minister may determine.

(5) The Board may meet not less than six times in any one calendar year and at such other times as the Chairperson may determine.

(6) The Chairperson or in the absence of this Chairperson any member of the Board elected at the meeting shall preside at any meeting of the Board.

(7) One half the number of members of the Board shall constitute a quorum for any meeting of the Board.

(8) Subject to the preceding subparagraphs, the Board shall regulate its own proceedings.

6. (1) The Minister shall, subject to subparagraph (3), appoint a person to be the Managing Director of the Authority on such terms and conditions as may be applicable to employees of public bodies.

(2) Subject to the directions of the Board, the Managing Director ---

- (a) shall undertake executive responsibility for the effective functioning of the Authority;
- (b) shall have supervision over and direction of the day to day affairs of the Authority; and
- (c) shall perform the functions of the Authority.

(3) The Managing Director shall be a person who is suitably qualified and has working experience in marine science, biology and management and other disciplines relevant to the functions of the Authority.

(4) On appointment the Managing Director shall be an ex-officio member of the Authority.

(5) The Authority may employ such persons as are necessary to assist the Managing Director in the performance of the functions of the Authority on terms and conditions and according to the procedures applicable to employees of the public bodies.

7. (1) The Minister may give to the Authority directions in writing on the policy to be followed by the Authority in the performance of its functions and Authority shall comply with those directions

(2) Directions under subparagraph (1) shall not restrict or inconsistent with the functions conferred on the Authority under paragraph 4.

8. (1) The Authority may, for the purpose of the performance of its functions, with the approval of the Minister granted after consultation with the minister responsible for finance, borrow moneys in or outside Seychelles.

(2) The Authority may give security over any of its assets for the purpose of a borrowing under subparagraph (1).

(3) The Minister responsible for finance may, out of public moneys, make, at the request of the Minister, advances to the Authority of such amounts and on such terms as the Minister, determines.

(4) The Authority shall make to the Republic at such times and in such manner, as the Minister responsible for finance acting as consultation with the Minister may direct, payments of such amounts as may be so directed in or towards the repayment of advances made pursuant to subparagraph (3) or of any sums issued in fulfillment of any guarantee given under any Act in respect of any amount borrowed in accordance

with subparagraph (1) or of interest on any such advances or sums at the rate directed by the Minister responsible for finance.

9. (1) The funds of the Authority shall consist of ---

- (a) moneys appropriated by an Appropriation Act and paid to the Authority;
- (b) subject to paragraph 4(3), moneys lawfully charged by the Authority;
- (c) moneys lawfully borrowed by the Authority;
- (d) moneys due on any investment made by the Authority;
- (e) other moneys lawfully received by the Authority for the purposes of the Authority.

(2) Funds of the Authority may be applied by the Authority ---

- (a) in payment or discharge of the costs, expenses and other obligations of the Authority; and
- (b) in payment of remuneration, fees and allowances payable to its members and staff.

(3) Moneys of the Authority not immediately required for the purposes of the Authority may be invested ---

- (a) on fixed deposits with one, or more than one, bank;
- (b) in Government securities; or
- (c) in any other manner which, the Authority, with the approval of the Minister granted after consultation with the Minister responsible for finance, thinks fit.

(4) The Authority shall, after making adequate provision for ----

- (a) acquisition or replacement of assets;
- (b) depreciation of assets;
- (c) repayment of loans and advances;
- (d) repayment of interest on all charges and expenses incurred in connection with loans;
- (e) any matter deems necessary; including any investment under subparagraph (3), pay, with the approval of the Minister, the surplus funds remaining for each financial year into the Consolidated Fund.

10. (1) For ---

- (a) each financial year of the Authority; and
- (b) for any longer period which the Minister acting after consultation with the Minister responsible for finance may from time to time, require,

the Authority shall prepare and submit to the Minister and the Minister responsible for finance, not later than such date as the Minister may direct, estimates of the income and expenditure of the Authority, including its capital budget for the financial year or any such longer period.

(2) The Minister may, acting after consultation with the Minister responsible for finance, approve with or without modification the estimates submitted under subparagraph (1).

(3) After the Minister approves the estimates under subparagraph (2), the estimates so approved shall be the estimates of the Authority for the period for which it is prepared.

(4) The financial year of the Authority shall be a period of 12 months ending on 31st December of any year.

Provided that the 1st financial year of the Authority shall end on 31st December next following the date of commencement of this Order.

11. (1) The Authority may open and maintain an account or accounts with one, or more than one, bank and shall maintain at all times at least one such account.

(2) The Authority shall pay all funds of the Authority into an account maintained under subparagraph (1).

12. (1) The Authority shall keep proper accounts and records in relation to the accounts and shall prepare, in respect of each financial year of the Authority, statement of accounts in such form as the Minister, acting for consultation with the Minister responsible for finance, may direct.

(2) The accounts and statement of accounts of the Authority shall be audited by an auditor appointed by the Minister acting after consultation with the Minister responsible for finance.

(3) As soon as the accounts and statement of accounts of the Authority in respect of any financial year of the Authority have been audited pursuant to subparagraph (2), the Authority shall send to the Minister and the Minister responsible for finance a copy of statement together with a copy of any report made by the auditor on that statement or on the accounts of the Authority.

SCHEDULE

MARINE PARKS

1. Ste Anne Marine Park, designated under the National Parks (Ste Anne Marine) (Designation) Order.
2. Baie Ternay Marine Park, designated under the National Parks (Baie Ternay Marine) (Designated) Order;
3. Curieuse Marine Park, designated under the National Parks (Curieuse Marine) (Designation) Order;

4. Port Launay Marine Park, designated under the National Parks (Port Launay Marine) (Designation) Order;
5. Silhouette Marine Park, designated under the National Parks (Silhouette Marine) (Designation) Order.

MADE this 10th day of July, 1996.

S.I. 51 of 1999

ENVIRONMENT PROTECTION ACT

(Cap 21)

Environment Protection (Fixed Penalty) Order, 1999

In exercise of the powers conferred by section 29(9) of the Environment Protection Act, the Vice-President, acting as the Minister of Environment and Transport, hereby makes the following Order----

1. This Order may be cited as the Environment Protection (Fixed Penalty) Order, 1999.
2. With effect from the date of publication of this Order, the fixed penalty payable in pursuance of a notice under section 29 of the Environment Protection Act shall be R200.

MADE this 14th day of October, 1999.