

CHAPTER 141

NATIONAL PARKS AND NATURE CONSERVANCY
ACT

[15th December, 1969]

ARRANGEMENT OF SECTIONS

Act 16 of 1969.
Act 14 of 1970.
S.I. 95 of 1975.
S.I. 72 of 1976.
Act 23 of 1976.
Act 7 of 1973.
Act 19 of 1982.
Act 5 of 1986.

SECTION

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1. This Act may be cited as the National Parks and Nature Conservancy Act.

Short title.
3/23/1976.

2. In this Act unless the context otherwise requires —
“Area of Outstanding Natural Beauty” means an area set aside by reason of its natural beauty or other special characteristics for its preservation and maintenance for the benefit, advantage and enjoyment of the general public;

Interpretation.
37/141/1970.
S.I. 95.1975.
2/7/1973.
3/23/1976.
2/19/1982.

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“building”, “building operations”, “development”, “develop”, “land” and “the planning authority” have the meanings respectively ascribed to them in the Town and Country Planning Act;

“the Commission” means the Seychelles National Environment Commission established under section 3 and includes the Minister acting under the powers conferred in section 12;

“environment” includes the wild life of the environment;

“Honorary Park Warden” means any person appointed as an Honorary Park Warden under clause 6 of Schedule I;

“National Park” means an area set aside for the propagation, protection and preservation of wild life or the preservation of places or objects of aesthetic, geological, prehistoric, historical, archeological or other scientific interest for the benefit, advantage and enjoyment of the general public and includes in the case of a Marine National Park an area of shore, sea or sea-bed together with coral reef and other marine features so set aside;

“officer of the Commission” means any person appointed as officer of the Commission under clause 6 of Schedule I.

“the regulations” means regulations made under section 16.

“Special Reserve” means an area set aside in which characteristic wild life requires protection and in which all other interests and activities are subordinated to this end;

“Strict Natural Reserve” means an area set aside to permit the free interaction of natural ecological factors without any outside interference excepting that deemed indispensable for the safeguard of the very existence of the reserve;

“wild life” includes all animals whether on land or in the sea, plants together with the biotopes necessary for their survival and coral.

3(1) There shall be established a commission to be known as the Seychelles National Environment Commission which shall be constituted and shall operate as provided under Schedule 1.

Establishment of
Commission.
2/7/1973.
3/23/1976.
2/19/1982.

(2) The Commission shall be a body corporate and shall be capable of suing and being sued, of purchasing, holding and alienating land, or receiving, holding or disposing of moneys paid to them by grant or otherwise for the purpose of defraying expenses incurred in carrying out the objects and provisions of this Act, and generally of doing and performing all such acts and things as a body corporate may do and perform, subject to the provisions of this Act and of any law for the time being in force.

(3) The functions of the Commission shall be —

- (a) to draw up national policy for the environment and to keep that policy under review and revise it from time to time as necessary;
- (b) to keep under review all written laws concerning the environment and its conservation and management;
- (c) to coordinate all activities in Seychelles, including activities of the Government, concerned with conservation or management of the environment;
- (d) to promote public education and participation in the study and conservation of the environment;
- (e) to co-operate with other countries of the Indian Ocean region in the conservation and management of the environment and living resources of the region;
- (f) to co-operate with international organisations for the conservation or management of the environment or its living resources;
- (g) the functions given to it by or under this Act; and
- (h) to undertake such other activities in furtherance of these functions as the Minister may allow by order published in the *Gazette*.

(4) In carrying out its functions the Commission shall have regard to the 3 main objectives of environmental conservation set out in Schedule 2, being those stated in the World Conservation Strategy prepared by the International Union for the Conservation of Nature and Natural Resources (IUCN).

Directions by
Minister.
3/19/1982.

4(1) The Minister may from time to time after consultation with the Commission give to it directions in writing of a general character, not being inconsistent with this Act, with respect to the performance of the functions under this Act.

(2) The Commission shall give effect to directions given by the Minister under subsection (1).

(3) Nothing in this section authorises the Minister to give a direction in respect of a particular case.

Areas to be set
aside for different
purposes.
S.I. 95/1975.
S.I. 72/1976.

5. The Commission may, with the approval of the Minister, by order published in the *Gazette*, from time to time designate any area as a National Park, a Strict Natural Reserve, a Special Reserve or an Area of Outstanding Natural Beauty.

Submission of
proposals.
S.I. 95/1975.
S.I. 72/1976.

6. A proposal by the Commission to designate an area as a National Park, a Strict Natural Reserve, a Special Reserve or an Area of Outstanding Natural Beauty shall be submitted to the Minister in accordance with the provisions of the regulations, which inter alia shall provide for the deposit of maps at a convenient place for inspection by the public and the consideration of representations made by or on behalf of the owners or other persons having an interest in the area affected.

Agreements.
3/23/1976.

7. The Commission may enter into agreements with any owner or other person having an interest in an area which is to be or has been designated as a National Park, a Strict Natural Reserve, a Special Reserve or an Area of Outstanding Natural Beauty with the object of securing the purposes of this Act.

Compulsory
acquisition.
S.I. 95/1975.
S.I. 72/1976

8. Whenever the Minister is satisfied that it is necessary or expedient to acquire any land in Seychelles for the purpose of establishing all or part of a National Park, a Strict Natural Reserve, a Special Reserve or an Area of Outstanding Natural

Beauty, or for the purpose of providing access thereto, such land may be compulsorily acquired in the national interest by the Republic on behalf of the Commission under the provisions of the Lands Acquisition Act.

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9. The Commission may make arrangements to provide facilities within any area designated as a National Park or as an Area of Outstanding Natural Beauty for the enjoyment of such area by the general public and for the scientific study and management of the area and such facilities may include -

Provision of facilities in National Parks and areas of Outstanding Natural Beauty. 3/23/1976.

- (a) the provision of accommodation, rest houses, meals and refreshments, and facilities for recreation;
- (b) the provision of camping sites;
- (c) the provision of vehicle parking places;
- (d) the provision of means of access;
- (e) the setting aside of areas and the carrying out of works for the protection or display of any species of flora or fauna, including those located in marine areas and reefs;
- (f) the establishment of research stations;
- (g) the promotion of the general purposes of this Act.

10. In any area designated as a Strict Natural Reserve —

Special provisions relating to Strict Natural Reserves.

- (a) any form of hunting or fishing, any undertaking connected with forestry, agriculture or mining, any grazing, any excavations, or prospecting drilling, levelling of the ground or construction, any work involving the alteration of the configuration of the soil or the character of the vegetation, any water pollution, and generally, any act likely to harm or disturb the fauna or flora, and the introduction of any exotic animal or plant species is strictly forbidden;
- (b) it is forbidden to reside, enter, traverse, camp, fly over

at low altitude and undertake scientific or other similar investigations, without the permission of the Commission.

Development control.
37/14/1970.
S.I. 95/1975.
S.I. 72/1976.
3/23/1976.
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11. The planning authority shall for the purposes of the Town and Country Planning Act, consult with the Commission regarding any development within any area so designated and in the event of any dispute as to the manner in which an application for development shall be treated the matter shall be referred to the Minister whose decision shall be final.

Revisionary powers.
S.I. 95/1975.
S.I. 72/1976.
3/23/1976.

12. The Minister may, at any time, revise a decision of the Commission, and in such a case he may confirm, vary or reverse the decision of the Commission and exercise all the powers of the Commission under this Act, and his decision shall be final.

Offences.
37/14/1970.
3/23/1976.

13. Any person —

- (a) who acts in contravention of any provision of section 10; or
- (b) who commences or carries out development of any land within any area designated as a National Park, a Special Reserve or an Area of Outstanding Natural Beauty in contravention of the Town and Country Planning Act, as made applicable to such area by section 11 of this Act; or
- (c) who does any act which is prohibited under the provisions of the regulations,

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shall be guilty of an offence and liable to a fine of two thousand rupees and to imprisonment for one year, and in the case of continuing offence to a further penalty of five hundred rupees for each day during which the offence continues.

Powers of arrest.
3/7/1973.
3/23/1976.
2/19/1982.
28/5/1986.

14. Any Honorary Park Warden or any officer of the Commission or police officer may arrest —

- (i) any person whom he shall find committing any offence under this Act;

(ii) any person committing any offence under the following Acts or regulations made thereunder:—

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| (a) The Fisheries Act; | Cap. 82. |
| (b) The Wild Animals and Birds Protection Act; or | Cap. 247. |
| (c) The Birds Eggs Act. | Cap. 16. |

15. Whenever there shall be reasonable ground to suppose that any boats, nets spearguns or other vessels or articles have been used in or about the commission of any offence under this Act or the Regulations or under any of the Acts listed in section 14 or any regulations made thereunder, it shall be lawful for any Honorary Park Warden or any officer of the Commission or Police officer to seize such boats, nets, spearguns or other vessels or articles.

Powers of seizure.
3/7/1973.
3/23/1976

(2) All such seizure shall be immediately reported to the officer in charge of the nearest police station who shall thereupon issue such directions as may be deemed necessary.

16. The Minister may make regulations generally for carrying out the objects and provisions of this Act and, in particular, but without prejudice to the generality of the foregoing power such regulations may —

Regulations.
S.I. 95/1975.
3/23/1976.

- (a) prescribe procedure, forms and fees;
- (b) amend, add to or vary the schedules;
- (c) provide for the efficient management of any area set aside as a National Park, a Strict Natural Reserve, a Special Reserve or an Area of Outstanding Natural Beauty;
- (d) provide for the protection of wild life;
- (e) create offences and provide that contravention of or failure to comply with any such regulations shall be an offence and prescribe for such offences maximum penalties not exceeding two thousand rupees and one year imprisonment.

SCHEDULE I

CONSTITUTION AND OPERATION OF
COMMISSION

1. The Minister shall be Chairman of the Commission, which shall be composed of such members, not less than 5, as the Minister may by notice in the *Gazette* appoint.

2. In the case of death, absence from Seychelles, resignation, revocation of appointment or incapacity to act of the Chairman or of any member of the Commission or when a vacancy arises from any other cause, the Minister may make the necessary appointment to fill the vacancy either temporarily or permanently; Provided that when the Chairman is absent from any meeting or a vacancy arises in the chairmanship and no new appointment has been made, the members of the Commission may choose one of their number to preside at the meeting.

3. Three member of the Commission shall form a quorum.

4. The Commission shall have meetings at least six times in any one calendar year and shall also hold a meeting when so directed by the Minister.

5. A decision of the Commission shall be taken on a majority of the votes of the members of the Commission present and voting, but on any matter in which the votes are equally divided the Chairman, or in his absence, the member of the Commission presiding at the meeting shall have a second or casting vote.

S.I. 95/1975.
S.I. 72/1976.

6. The Commission may, with the approval of the Minister, appoint Secretary to the Commission and may appoint such number of other officers and servants as the Minister may determine, who may receive such fees, salaries, or other remuneration from public funds as shall also be determined by the Minister.

7. A decision of the Commission shall be authenticated under the hand of the Secretary to the Commission.

8. At any time when so requested and in any event not less than once a year the Commission shall render a full report to the Minister of all transactions carried out in the preceding paragraph and of all other action taken for the purposes of this Act. S.I. 95/1975.

2/19/1982.

SCHEDULE 2

Section 3(4)

MAIN OBJECTIVES OF ENVIRONMENTAL
CONSERVATION

[as stated in the World Conservation Strategy prepared
by the International Union for the Conservation of
Nature and Natural Resources (IUCN)]

a. to maintain essential ecological processes and life-support systems (such as soil regeneration and protection, the recycling of nutrients, and the cleansing of waters), on which human survival and development depend;

b. to preserve genetic diversity (the range of genetic material found in the world's organisms), on which depend the functioning of many of the above processes and life-support systems, the breeding programmes necessary for the protection and improvement of cultivated plants, domesticated animals and microorganisms, as well as much scientific and medical advance, technical innovation, and the security of the many industries that use living resources;

c. to ensure the sustainable utilization of species and ecosystems (notably fish and other wildlife, forests and grazing lands), which support millions of rural communities as well as major industries.