

**FISHERIES ACT, 2014**

*(Act 20 of 2014)*

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**FISHERIES ACT, 2014**

(Act 20 of 2014)

*I assent*

J. A. Michel  
President

17th October, 2014



**AN ACT to provide for efficient and effective management and sustainable development of fisheries in accordance with international norms, standards and best practice and an ecosystem approach to fisheries; to provide for the licensing of fishing vessel, to regulate sport fishing, fishing activities; to provide for offences and penalties and to repeal the Fisheries Act, 1986 and to provide for matters connected therewith or incidental thereto.**

**ENACTED** by the President and the National Assembly.

**PART I - PRELIMINARY**

**1.** This Act may be cited as the Fisheries Act, 2014 and shall come into operation on such date as by the Minister may, by Notice published in the *Gazette*, appoint.

Short title and commencement

Application  
of Act

2. This Act shall apply to —
- (a) a person, a fishing vessel, a fishing activity or fishing related activity and other matter in Seychelles or in Seychelles waters;
  - (b) a joint venture fishing vessel, a local fishing vessel, a Seychelles fishing vessel on the high seas or in waters under the jurisdiction of another State and all persons on board the vessel; and
  - (c) a person and a fishing vessel in any other waters —
    - (i) following hot pursuit in accordance with international law as referred to in Article III of the United Nations Convention on the Law of the Sea 1982; or
    - (ii) as required by an arrangement or agreement to which Seychelles is a party; or
  - (d) a citizen of Seychelles who uses any vessel registered in Seychelles and commits an offence outside Seychelles waters under this Act.

Interpretation

3. In this Act, unless the context otherwise require —
- “Appeals Board” means the board established under section 38;
- “applicant”, in relation to an application for a licence, authorisation or permit, includes any person making the application on his or her behalf and with his or her authorisation;
- “aquaculture” —
- (a) means the cultivation, propagation or farming at sea or on land of fish from eggs, spawn, spat, fingerling or seed; and

- (b) includes the rearing and ranching of fish taken locally or imported into Seychelles;

“authorised fishery officer” means a person so appointed under section 48(1) or deemed to be authorised fishery officer under section 48(2);

“Authority” means the Authority established by the Seychelles Fishing Authority (Establishment) Act 1984;

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“authorisation” means the permission that a person or vessel shall obtain to fish in Seychelles waters or engage in fishing related activities for the purpose of scientific research or to fish outside Seychelles waters;

“beneficial owner” means the person who exercises ultimate dominion without the consent of any other person, or who is able to secure that consent by arrangement or as of right, and in the case of a trust, agency, nominee or other such arrangement (whether formal, or in writing, or otherwise) and includes the ultimate beneficiary, the principal or the person represented by the nominee respectively and cognate words shall be construed accordingly;

“by-catch” —

- (a) means fish harvested in a fishery but which —
  - (i) are not the species of fish that are directly targeted or appear to be directly targeted;
  - (ii) belong to any species not identified as by-catch in an applicable licence or plan of management for a fishery; or

- (iii) belong to any species not identified in an applicable licence or plan of management for a fishery except for the species falling within subparagraph (i);

- (b) includes discards; and

“co-management arrangement” means a partnership arrangement in which the Government, local resource users (fishers), organisations including Non-Governmental Organisations, and other fisheries and marine resource stakeholders including tourism operators who share the responsibility and authority for decision making in the management of a fishery;

“competition sport fishing” means any fishing activity which —

- (a) is undertaken for sport among competitors who are observing a prescribed set of rules;
- (b) involves the hiring, chartering or leasing of a vessel not exceeding 40 metres in length overall, and catch for charitable purposes authorised by the Authority and
- (c) does not result in the trading, offering for sale or selling of fish;

“continental shelf” has the meaning given to it under section 11 of the Maritime Zones Act;

“ecosystem approach to fisheries” means an approach that balances diverse societal objectives, by taking into account the knowledge and

uncertainties about biotic, abiotic and human components of ecosystems and their interactions, and applying an integrated approach to fisheries within ecologically meaningful boundaries;

“exclusive economic zone” has the meaning given to it under section 9 of the Maritime Zones Act;

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“fish” means any aquatic plant or animal with the exception of birds, and includes any fish, crustacean, mollusc, coral, echinoderm, holothurian, or aquatic reptile or aquatic mammal and its shell, eggs and any other naturally occurring products;

“fish aggregating device” means any device placed in the water to aggregate fish and includes any natural floating object upon which a device has been placed to facilitate its location;

“fish product” means —

- (a) any fish or part of any fish; or
- (b) any fresh, frozen, prepared or processed fish products;

“fishery —

- (a) means one or more stocks of fish, vessels and gears used to capture fish and which can be integrated as a unit for the purpose of conservation, management and development of fishery; and
- (b) includes the activities leading to, resulting in, and resulting from the harvesting of fish through the capture of wild fish or the raising of fish through aquaculture;

## "fishing" —

## (a) means —

- (i) searching for, catching, taking or harvesting fish or attempting any such activity;
- (ii) placing, searching for or recovering a fish aggregating device or associated equipment including a radio beacon; and

## (b) includes activities performed in support of fishing;

## "fishing related activity" means —

- (a) transshipping fish to or from any vessel;
- (b) landing of fish from any vessel;
- (c) storing, packaging or processing of fish;
- (d) transporting fish except as part of a general cargo;
- (e) refuelling or supplying fishing vessels;
- (f) attempting or preparing to do any of the acts referred to in paragraphs (a) to (e);

## "fishing vessel" —

- (a) means any vessel used, intended to be used or capable of being used for fishing or fishing related activity; and
- (b) includes a support ship, carrier vessel and any other vessel directly or indirectly involved in fishing operations or used for the treatment or

processing of fish or wholly or partly for the transport of fish;

"foreign fishing vessel" means a vessel not registered in Seychelles;

"gear" includes any net, pot, trap, line, pole, dredge, fish aggregating device or other apparatus of any kind and any attachment of any kind thereto, used or capable of being used for catching fish including mechanical equipment used or capable of being used for the casting or hauling of any such item and includes all and any electronic devices wholly or partly used or capable of being used for locating fish or establishing the position of fish;

"harbour" means harbour of Victoria and any bay, roadstead or place within three nautical miles from any coast within Seychelles;

"international fisheries conservation and management measure" means a measure established by a Regional Fisheries Management Organisation or other international fisheries management organisation to which Seychelles is a party;

"joint venture fishing vessel" means a fishing vessel which —

- (a) is registered in Seychelles under the Merchant Shipping Act;
- (b) exceeds 18 metres in length overall;
- (c) is to be licensed for tuna and tuna-like species, and other species as per condition of the licence.

- (d) is wholly beneficially owned by a company established under any the written law of which at least 51 per cent of the actual effective shares are beneficially owned by a citizen of Seychelles and having a place of business in Seychelles;

“licence” means the permission that a person shall obtain before engaging in a fishing activity or fishing related activity;

“local fishing vessel” means a fishing vessel which is —

- (a) registered or identified as such under the Merchant Shipping Act; and
- (b) wholly beneficially owned by one or more citizens of Seychelles or by a company established under any written laws of which all of the shares are beneficially owned by citizens of Seychelles;

“Minister” means the Minister responsible for fisheries;

“master”, in relation to a vessel, means the person for the time being in command or in charge of the vessel;

“observer” means a person appointed by the Seychelles Fishing Authority as such under section 56(2);

“owner”, in relation to a vessel —

- (a) means a beneficial owner; and
- (b) includes —

- (i) any part owner;
- (ii) charterer, whether bareboat, time or voyage;
- (iii) a person who acts in the capacity of a charterer; and
- (iv) a party upon whom control over the destination, function, operation of the vessel is conferred under a management agreement or a similar agreement;

“permit” means the permission that a person shall obtain before engaging in a fishing activity or fishing related activity in Seychelles waters;

“recreational fishing” means any fishing activity undertaken by a vessel not exceeding 10 metres for recreational purposes which does not involve any commercial activity and result in the trading, offering for sale or selling of fish;

“Regional Fisheries Management Organisation” means a subregional or agreement having the competence to establish conservation and management means for particular straddling fish stocks or highly migratory fish stocks as specified in the United Nations Fish Stocks Agreement 1995;

“Register” means the register of ships kept by the Registrar under the Merchant Shipping Act;

“sedentary species” means any organism which, at the harvestable stage, are immobile on or under the sea-bed or unable to move except in constant physical contact with the sea-bed or the subsoil;

“Seychelles fishing vessel” means any fishing vessel which is—

- (a) registered in Seychelles under the Merchant Shipping Act;
- (b) to be licensed for tuna and tuna-like species; and other species as per condition of the license; and
- (c) wholly beneficially owned by one or more foreign citizens only or by a company established under the written laws of Seychelles of which all of the shares are beneficially owned by foreign citizens;

“Seychelles waters” means the exclusive economic zone, the territorial sea, archipelagic waters, internal waters and all other waters subject to the fisheries jurisdiction of Seychelles;

“sport fishing” means any fishing activity undertaken for sport or recreation which involves the hiring, chartering or leasing of a vessel and its' annexes not exceeding 40 metres in length overall but which does not result in the trading, offering for sale or selling of fish;

“sport fishing permit” means the permission that a vessel shall obtain before it engages in any form of sport fishing;

“vessel” includes every description of water craft used or capable of being used as a means of transportation on water;

“vessel monitoring device” means a device, instrument or equipment which monitors and

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records and/or transmits automatically, either independently or in conjunction with other equipment, information relating to all aspects of the fishing operations of the vessel;

“vessel tracking device” means a device, instrument or equipment installed or placed on board a fishing vessel which independently transmits and records automatically, information relating to the location and fishing activities including sailing route of the vessel;

“vessel monitoring system” means a satellite based monitoring system approved by the Authority which at regular intervals provides data from the vessel monitoring device on board a vessel to the Authority.

4. The objects of the Authority under this Act shall be to provide for the effective management and sustainable development of fisheries in accordance with—

- (a) internationally recognised norms, standards and best practice including the United Nations Convention on the Law of the Sea (1982) and the Code of Conduct for Responsible Fisheries, 1995 of the Food and Agriculture Organisation, Indian Ocean Tuna Commission Conservation and Management measures; and
- (b) an ecosystem approach to fisheries which ensures that the development and management of fisheries addresses the multiple needs and desires of the society without jeopardising the options for future generations to benefit from the full range of goods and services provided by marine ecosystems.

Objects of  
Authority  
under this  
Act

**PART II - MANAGEMENT OF FISHERIES****Sub-Part 1 Management plans and management measures**

Plan for management of fishery

5.(1) The Authority shall prepare and keep under review a plan for management of a fishery.

(2) A plan for management of a fishery may set out —

- (a) the current state of the fishery;
- (b) the biological, ecological and socio-economic objectives for the fishery;
- (c) the management strategy for the fishery including biological, ecological and socio-economic indicators and reference points;
- (d) the management measures by which the objectives and strategy are to be attained, including harvest control rules;
- (e) the amount of fish or fishing effort to be allocated, if the measures include quota systems, between individuals or fishing fleets;
- (f) measures to mitigate ecosystem impacts in accordance with best practice for adoption of an ecosystem approach to fisheries, including by-catch and habitat damage;
- (g) the licensing measures to be applied;
- (h) the role of stakeholders in decision making relating to the management plan; and
- (i) performance criteria against which, and time frames within which, the measures taken

under the plan of management may be assessed.

(3) In the preparation or review of the plan for the management of a fishery, the Authority shall consult the fisheries industry, local fishermen and such other persons engaged in fishing and fishing related activities as appear to the Authority to be appropriate.

(4) In the management of a fishery, the Authority, if it considers necessary, may enter into a co-management arrangement with any person.

(5) The Authority may consult the fisheries management authorities of other States in the Indian Ocean, and in particular with those sharing the same or related stocks, with a view to ensuring the harmonisation of their respective plans for the management of fisheries.

(6) The fishery management plan or review of the plan shall be submitted to the Minister for approval.

(7) The Minister shall cause the plan for the management of a fishery or review of the plan approved under subsection (6) to be published in the *Gazette*.

(8) Compensation is not payable, where a management plan is made or amended or anything previously permitted is prohibited or regulated under the plan.

(9) Subsection (8) does not prevent regulations or a management plan providing for payment of compensation.

6.(1) The Minister may make regulations prescribing measures for the proper management of a fishery.

Management measures

(2) Without prejudice to the generality of subsection (1), regulations may provide for —

- (a) closed seasons;
- (b) closed areas or waters;
- (c) species of fish to be regulated;
- (d) specifications of authorised gear;
- (e) size or other characteristics of fish;
- (f) prohibited fishing method and gear;
- (g) limitation of catch or effort by restricting entry or by determining a total allowable catch or total allowable effort including the establishment of any quota system allocating catch or effort;
- (h) fishing capacity controls; and
- (i) by-catch, discards and habitats to be avoided.

(2) Any regulations made under this section prescribing management measures may regulate the following—

- (a) taking, possessing, purchasing, selling, importing or exporting of any gear or fish; or
- (b) engaging in fishing or fishing related activities in the closed areas or waters or possessing or using a vessel, aquaculture equipment, fish aggregating device or anything else in the closed areas or waters.

(3) Compensation is not payable if measures for the proper management of a fishery are made or amended or anything previously permitted is prohibited or regulated under the regulations.

(4) Subsection (3) does not prevent regulations made under this section providing for payment of compensation.

7.(1) The Authority shall collect and analyse statistical data and other information on fisheries, fishing related activities and aquaculture, including fishermen engaged in fishing activities.

Collection  
and analysis  
of statistics  
and  
information

(2) Every person engaged in fishing, fishing related activities or aquaculture shall supply information regarding such activities to the Authority in such form and manner as may be prescribed by the Minister.

(3) A person who receives information pursuant to this Act shall not use or disclose such information except for the purposes of this Act.

(4) Without prejudice to subsection (3), information relating to the position of a fishing vessel received by the Authority pursuant to this Act shall be communicated to the relevant authority—

- (a) upon request, for the purposes of search and rescue; or
- (b) where the Authority has reasonable grounds for believing that an offence is being or is about to be committed or for the purposes of a criminal investigation.

(5) The Minister may enter into arrangements or agreements with other States or territories, either directly or through an international organisation, providing for the exchange, in a standardised format, and in a manner consistent with applicable confidentiality requirements, of fisheries information, including evidentiary information relating to breaches of national fisheries legislations and international fisheries conservation and management measures.

Record of  
fishing  
vessel to be  
kept by  
Authority

8.(1) The Authority shall make and maintain a Record of fishing vessels that have been granted a licence, permit or an authorisation under this Act and take all measures to ensure that all such fishing vessels are entered in the Record of fishing vessels.

(2) The Record of fishing vessels shall contain —

- (a) the name of the fishing vessel;
- (b) the port and country of registration;
- (c) the identification number of the fishing vessel;
- (d) any identification mark assigned to the fishing vessel;
- (e) previous registration details;
- (f) communication details;
- (g) the Lloyds or International Maritime Organisation registration number;
- (h) the international radio call sign;
- (i) the length overall, draft and beam;
- (j) the engine power;
- (k) the net and gross tonnage;
- (l) the type of refrigeration system;
- (m) the material of build;
- (n) the hold capacities in cubic metres;
- (o) the date of build;
- (p) the number of crew including fishermen;

- (q) the name and address of the agent in Seychelles;
- (r) the name, address and nationality of any person with beneficial ownership of the fishing vessel;
- (s) particulars of any previous offences committed by the use of the fishing vessel;
- (t) type of gear; and
- (u) any other information as the Authority may determine.

(3) If a person in control of a fishing vessel is convicted of an offence under this Act involving the use of a fishing vessel, the Authority may, in appropriate circumstances, record the conviction in the Record of Fishing Vessels against the licence, permit or authorisation applying to the vessel even though the person is not the holder of the licence, permit or authorisation.

#### Sub-Part 2 Special arrangements

9.(1) The Minister may enter into agreements with other states, intergovernmental organisations or associations representing foreign fishing vessel owners, allocating fishing rights in Seychelles waters to vessels of those states, organisations or associations.

(2) The total fishing rights allocated by agreements made under subsection (1) shall be in accordance with any applicable plan for the management of a fishery or international fisheries conservation and management measures, and where such plan or measures do not exist, a precautionary approach shall be applied.

(3) An agreement negotiated under subsection (1) shall include provisions establishing the responsibility of those

Power of  
Minister to  
enter into  
fisheries  
agreements  
etc

other states, intergovernmental organisations or associations representing foreign fishing vessel owners, to take all necessary measures to ensure compliance by their fishing vessels in Seychelles waters with —

- (a) any such agreement;
- (b) the written laws of Seychelles relating to fishing and fishing related activities;
- (c) any international fisheries conservation and management measures; and
- (d) such other provisions as may be prescribed.

Agreement or  
authorisation  
for scientific  
research on  
fisheries

10.(1) The Authority, having received the approval of the Minister, shall —

- (a) enter into agreements with persons or institutions to carry out fisheries-related research in any part of Seychelles waters; or
- (b) in writing grant an authorisation to any person or vessel to fish in Seychelles waters or engage in fishing related activities for the purpose of scientific research.

(2) An authorisation under subsection (1)(b) may be on terms and conditions specified by the Authority.

### PART III - LICENSING REQUIREMENTS

#### Sub-Part 1 Foreign fishing vessel licence

Fishing by  
foreign fishing  
vessel  
prohibited  
without  
licence

11.(1) A foreign fishing vessel shall not be used for fishing or any fishing related activity in Seychelles waters or for sedentary species on the continental shelf, except under and in accordance with a licence granted by the Authority.

(2) An application for a licence shall be made to the Authority in the prescribed form and manner accompanied with the prescribed fee.

(3) Subject to this section, the Authority may, on terms and conditions determined by it, grant a licence in the prescribed form, authorising the use of a foreign fishing vessel for the purpose of fishing or any fishing related activity in Seychelles waters or for sedentary species on the continental shelf.

(4) A licence under subsection (3) shall —

- (a) be granted on payment of such fee as provided for in an international agreement under section 12; or
- (b) in the absence of an agreement under section 12, be granted on payment of the prescribed fee.

(5) A licence under this section shall, unless earlier cancelled or revoked under section 35, not extend beyond the term of the licence or an international agreement under section 12.

(6) The Authority shall refuse to grant a licence under this section —

- (a) until an application in respect of the licence notifies the Authority of the name and address of the vessel's agent, pursuant to section 71;
- (b) where the foreign fishing vessel in respect of which the licence is sought has a record of non-compliance with international fisheries conservation and management measures except where the ownership of the vessel has

- subsequently changed and the new owner provides sufficient evidence to the satisfaction of the Authority that the previous owner or master has no legal, beneficial or financial interest in, or control of, that foreign fishing vessel;
- (c) where the foreign fishing vessel in respect of which the licence is sought is included in a list of fishing vessels having engaged in, or supported, illegal, unreported or unregulated fishing established by a Regional Fisheries Management Organisation or any other appropriate regional or international organisation;
- (d) where the foreign fishing vessel in respect of which the licence is sought is not recorded on the list of authorised fishing vessels by a Regional Fisheries Management Organisation to which Seychelles is a party or on any other list of authorised fishing vessels that is recognised by the Authority;
- (e) where an application in respect of a foreign fishing vessel has not provided sufficient financial and other guarantees for the fulfilment of all obligations as may be determined by the Authority;
- (f) unless it is satisfied that the vessel in respect of which the licence is sought has satisfied all financial obligations in respect of previous fishing activities or fishing related activities in Seychelles waters under a previous licence granted under this Act, by that fishing vessel, its master or owner at the time of the application for a licence.

12. A foreign fishing vessel licence shall not be granted under section 11, unless —

Licence and international agreement

- (a) there is an agreement in force between the Republic of Seychelles and an intergovernmental organisation to which a member State of the organisation in which the vessel is registered has delegated the power to negotiate fishing agreements;
- (b) there is an agreement in force between the Republic of Seychelles and an association representing foreign fishing vessel owners of which the owner of the fishing vessel is a member;
- (c) there is an agreement entered into under section 9; or
- (d) the Minister determines that an agreement under section 9 is not practical and the applicant provides sufficient financial and other guarantees for the fulfilment of all obligations under this Act as the Minister may determine.

#### Sub-Part 2 Obligations relating to foreign fishing vessel

13. The master, of a foreign fishing vessel licensed under section 11, shall at least 24 hours before the vessel enters into and exits from, Seychelles waters, provide by fax or email or any other means approved by the Authority, to the Authority, in addition to any other authority or body required under any other written law, its position at the time of entry into, and exit from, the Seychelles waters and the quantity of fish on board by species.

Entry into and exit from Seychelles waters

14. The master of a foreign fishing vessel —

- (a) not licensed pursuant to section 11 shall, by fax or email or any other means approved by the Authority, at least 48 hours; or

Entry into harbour or Port Victoria

- (b) licensed pursuant to section 11 shall, by fax or email or any other means approved by the Authority, at least 24 hours,

before the expected time of arrival of the vessel in the harbour or Port Victoria, notify the Authority, in addition to any other authority or body required under any other written law, of the purpose of its call and provide any position report that may be required.

Stowage

15. A foreign fishing vessel that is not licensed pursuant to section 11 shall, at all times that it is in Seychelles waters, keep its gear stowed in such manner as may be prescribed and deactivate and not use any device on board that is used directly or indirectly for detecting fish.

### Sub-Part 3 Fishing vessel licence or permit

Other fishing vessel licence or permit

16.(1) A joint venture fishing vessel, a local fishing vessel or a Seychelles fishing vessel shall not be used for fishing or any fishing related activity in Seychelles waters except under and in accordance with a licence granted by the Authority.

(2) An application for a licence under this section shall be made to the Authority in the prescribed form and manner and accompanies with prescribed fees.

(3) An application under subsection (2) shall provide the Authority with such information as it require for a proper consideration of the application.

(4) Subject to section 17, the Authority may, on such terms and conditions as it may determine, grant a licence in the prescribed form, for the use of the vessel for the purpose of fishing or any fishing related activity in Seychelles waters.

(5) A licence under subsection (4) shall be granted on payment of the prescribed fee.

Refusal to grant licence

17. The Authority shall refuse to grant a licence under section 16—

- (a) unless it is satisfied that the vessel in respect of which the licence is sought is a joint venture fishing vessel, a local fishing vessel or a Seychelles fishing vessel as defined;
- (b) in respect of a Seychelles fishing vessel, until the application in respect of the vessel notifies the Authority of the name and address of the vessel's agent, pursuant to section 71;
- (c) where the grant of the licence is not compatible with this Act, a regulation made thereunder or a licensing programme specified in a plan for the management of a fishery under section 5;
- (d) unless it is satisfied that the applicant will be able or willing to comply with the terms and conditions of the licence;
- (e) unless it is satisfied that the applicant has satisfied such requirements as the Authority may determine;
- (f) where the fishing vessel in respect of which the licence is sought has a record of non-compliance with international fisheries conservation and management measures except where the ownership of the fishing vessel has subsequently changed and the new owner provides sufficient evidence to the satisfaction of the Authority demonstrating that the previous owner or master has no legal, beneficial or financial interest in, or control of, the fishing vessel; or
- (g) where the fishing vessel in respect of which the licence is sought is not included in a list of vessels having engaged in, or supported,

illegal, unreported or unregulated fishing established by a Regional Fisheries Management Organisation or any other appropriate regional or international organisation.

Sport fishing  
vessel  
permit

18.(1) A vessel shall not be used for sport fishing in Seychelles waters except under and in accordance with a sport fishing permit granted by the Authority.

(2) An application for a sport fishing permit under this section shall be made to the Authority in the prescribed form and manner accompanied with the prescribed fees.

(3) Subject to this section the Authority may, on such terms and conditions as it may determine, grant a sport fishing permit in the prescribed form authorising a vessel to be used in Seychelles waters or, for such sport fishing activities as may be specified in the permit.

(4) A sport fishing permit under subsection (3) shall be granted on payment of the prescribed fee.

(5) The Authority shall refuse to grant a sport fishing permit under this section unless it is satisfied that—

- (a) the grant of the sport fishing permit is compatible with this Act, a regulation made thereunder or a licensing programme specified in a plan for the management of a fishery under section 5;
- (b) the applicant will be able or willing to comply with the terms and conditions of the sport fishing permit;
- (c) the vessel in respect of which the sport fishing permit is sought has no record of non

compliance with international fisheries conservation and management measures except where the ownership of the vessel has subsequently changed and the new owner provides sufficient evidence to the satisfaction of the Authority that the previous owner or master has no legal, beneficial or financial interest in, or control of, the vessel; or

- (d) the vessel in respect of which the sport fishing permit is sought is not included in a list of vessels having engaged in, or supported, illegal, unreported or unregulated fishing established by a Regional Fisheries Management Organisation or any other appropriate regional or international organisation.

19.(1) A person shall not organise or cause to be organised a competition sport fishing in Seychelles waters except under and in accordance with a permit granted by the Authority.

Competition  
sport fishing

(2) A vessel shall not be used for the purposes of competition sport fishing in Seychelles waters except under and in accordance with a permit granted by the Authority.

(3) A holder of a sport fishing permit may apply for a permit under this section.

(4) An application for a permit under subsection (1) or (3) shall be made in such form as may be determined by the Authority.

(5) A permit under this section shall be granted on payment of the prescribed fee and on such terms and conditions as the Authority may determine.

Regulations requiring licence or permit for other fishing activities and fishing related activities

**20.(1)** The Minister may make regulations requiring a licence or permit for—

- (a) any kind of fishing or fishing related activity in Seychelles waters or for sedentary species on the continental shelf, with or without the use of a vessel or, any fishing gear; or
- (b) the use of a vessel for any fishing related activity.

(2) Where a licence or permit is required under subsection (1), it may be granted by the Authority in the prescribed form and, subject to such terms and conditions and payment of such fee as may be prescribed.

(3) A licence or permit required by regulations made under this section shall authorise any person to conduct any kind of fishing or fishing related activity for which the licence or permit is required.

Recreational fishing

**21.** A vessel used for recreational fishing in Seychelles waters shall be exempted from the requirement of having a licence or permit save as otherwise prescribed.

Validity of licence or permit

**22.(1)** A licence or permit granted under this Sub-Part or regulations made under section 20 shall—

- (a) unless earlier cancelled or revoked under section 35, be valid for a period not exceeding twelve months from the date of grant of the licence or such period specified in the licence or permit or be valid for such period prescribed; or
- (b) automatically terminate where a fishing vessel in respect of which the licence or permit has been granted ceases to be such a fishing vessel under this Act or regulations made under section 20.

(2) Where a joint venture fishing vessel, local fishing vessel or Seychelles fishing vessel ceases to be registered under the Merchant Shipping Act, any licence granted under this Sub-Part shall lapse.

**23.(1)** A licence or permit under this Sub-Part or regulations made under section 20 shall not be renewed.

(2) The holder of the licence or permit under this Sub-Part or regulations made under section 20 may apply to the Authority for the grant of a new licence or permit and this Sub-Part shall apply.

(3) Compensation shall not be payable if the Authority refuses to grant a new licence or permit under this Sub-Part.

**24.** A licence or permit granted under this Sub-Part or regulations made under section 20 shall not be transferable except as otherwise prescribed for the limitation of entry into a fishery.

#### Sub-Part 4 Authorisation to fish outside Seychelles waters

**25.(1)** Subject to this section, except for joint venture fishing vessels, local fishing vessels or Seychelles fishing vessels, no fishing vessels or vessels which Seychelles is bound by an international agreement not to authorise shall be used for fishing or fishing related activities outside Seychelles waters.

(2) No joint venture fishing vessel, local fishing vessel or Seychelles fishing vessel shall be used for fishing outside Seychelles waters except under and in accordance with an authorisation granted by the Authority.

(3) An application to fish outside Seychelles waters shall be made to the Authority in the prescribed form and manner and accompanied with the prescribed fees.

Grant of new licence or permit upon termination

Transfer of licence or permit

Authorisation to fish outside Seychelles waters

(4) The applicant shall give such information or evidence that the Authority requires for considering the application.

(5) An authorisation shall be granted on payment of the prescribed fee and subject to such conditions as the Authority may specify or determine.

(6) An authorisation under subsection (5) may be varied at any time.

(7) The Authority may, in writing, refuse to grant an authorisation where the fishing vessel in respect of which the application is made —

- (a) is included in a list of vessels having engaged in, or supported, illegal, unreported or unregulated fishing established by a Regional Fishing Management Organisation or any other appropriate regional or international organisation; or
- (b) has a record of non compliance with international fisheries conservation and management measures.

26. An authorisation granted under section 25 shall —

- (a) unless earlier cancelled or revoked under section 35, be valid for a period not exceeding twelve months from the date of grant of the authorisation or for such period as may be specified in the authorisation or be valid for such period prescribed; or
- (b) automatically terminate where the fishing vessel in respect of which the authorisation has been granted ceases to be such a fishing vessel under this Act or regulations made thereunder.

Validity of  
authorisation

27.(1) An authorisation under section 25 shall not be renewed.

Renewal of  
authorisation

(2) The holder of an authorisation under section 25 may apply to the Authority for the grant of a new authorisation and this Sub-Part shall apply.

(3) Where the Authority refuses to grant a new authority, compensation shall not be payable.

28. An authorisation shall not be transferred under this Act, regulations made thereunder or a plan for the management of a fishery.

Transfer of  
authorisation

#### Sub-Part 5 - Requirements and conditions relating to fishing vessels and gears

29.(1) Every fishing vessel or fishing gear required under this Act to be used in accordance with a licence, permit or authorisation, shall be used in accordance with this Act or regulations made thereunder, and, in the case of a foreign fishing vessel, with requirements made applicable to the fishing vessel by an agreement under section 12, and, in all cases, subject to any terms and conditions which may be provided in the licence, permit or authorisation, including terms and conditions relating to —

Conditions  
relating to  
licence,  
permit or  
authorisation

- (a) the type and method of fishing or any fishing related activity authorised;
- (b) the areas within which, and periods during which, such fishing or fishing related activity is authorised;
- (c) the target species and amount of fish authorised to be taken, including any restriction on by-catch;
- (d) communication equipment, vessel monitoring devices, position fixing equipment and any other equipment; and

- (e) mandatory reporting requirements.

(2) Where it is expedient for the proper management of a fishery, any terms and conditions attached to a licence, permit or authorisation may be varied by the Authority.

(3) Where any terms and conditions attached to a licence, permit or authorisation is varied under subsection (2), the holder of the licence, permit or authorisation shall be notified in writing of such variation as soon as practicable and the variation shall apply from the date of it being received by the holder of the licence, permit or authorisation.

#### Sub-Part 6. Control of fishing activities

30.(1) A person shall not fish within the Exclusive Economic Zone specified under the Maritime Zone Act—

- (a) with a net except under and in accordance with a licence granted by the Authority;
- (b) with a trap except under and in accordance with a permit granted by the Authority.

31.(1) A person shall not—

- (a) use any poison or other noxious substance for the purpose of killing, stunning, disabling or catching fish or in any way rendering such fish more easily caught; or
- (b) carry or have in his or her possession or control on board a vessel, any explosive, poison or other noxious substance in circumstances indicating an intention of using such explosive, poison or other noxious substance for any of the purposes referred to in paragraph (a).

(2) Any explosive, poison, or other noxious substance found on board any vessel shall be presumed, unless the contrary is proved, to be intended for the purposes referred to in subsection (1).

32.(1) Subject to the regulations, a person shall not use any spear gun for fishing or be in possession of a spear gun in circumstances which raise a reasonable inference that the spear gun has been used or is intended for fishing in Seychelles.

(2) Subject to the regulations, a person shall not use any unauthorised gear in Seychelles waters.

(3) Subject to the regulations, a person shall not attract shark in Seychelles waters by placing in the water fish, part of fish, blood, or such matter upon which shark feed, lured to, for the purpose of making use of shark for any sport, game, or any activity, and this shall not restrict any approved scientific research or activity.

(4) A person shall not kill, chase, take any marine mammal alive or dead in Seychelles waters.

33.(1) Subject to the regulations, a person shall not place or set any fish aggregating device without the written authorisation of the Authority in Seychelles waters.

(2) The Authority may, under such terms and conditions as it may determine or as otherwise prescribed, authorise the placing or setting of fish aggregating device under subsection (1).

#### Sub - Part 7 Aquaculture

34.(1) The Authority shall manage the development of aquaculture in any part of Seychelles or Seychelles waters through an aquaculture sector plan.

(2) Subject to the regulations, a person shall not install or operate an aquaculture establishment in any part of

Prohibition against use of Spear guns, unauthorised gear, chumming, catching of marine mammal

Fish aggregating device

Aquaculture

Conditions to fish in within the Exclusive Economic Zone under Maritime Zone Act, 1999

Prohibition against use of poison etc

Seychelles or Seychelles waters otherwise than under the authorisation of, and in accordance with the conditions of, an aquaculture licence granted by the Authority.

(3) Subject to the regulations, a licence granted under this section shall be valid for such period and subject to such conditions including the payment of such fees, as may be prescribed.

(4) Without prejudice to the generality of subsection (3), a licence may, in particulars, contain —

- (a) conditions of siting, design and materials used in the construction of the aquaculture establishment;
- (b) health conditions of fish;
- (c) prohibition of the introduction of species that are not naturally occurring in Seychelles;
- (d) measures for the prevention of the spread of fish diseases to the wild stocks;
- (e) measures for the control of pollution and infrastructure impacts on the environment resulting from aquaculture; and
- (f) commercial provisions relating to the marketing of fish and fish products.

#### Sub-Part 8 General

35.(1) The Authority may suspend, cancel or revoke a licence, permit or authorisation granted by it on any of the following grounds —

- (a) the suspension, cancellation or revocation is necessary or expedient for the management and conservation of fish resources;

Suspension  
cancellation  
and  
revocation of  
licence,  
permit or  
authorisation

- (b) a vessel or any gear in respect of which the licence, permit or authorisation was granted has been used, or any activity has been conducted, in contravention of this Act, any regulations made thereunder, or any terms and conditions of the licence, permit or authorisation;
- (c) a fishing vessel or gear does not comply with marking requirements as prescribed; or
- (d) the holder has been convicted of an offence under this Act.

(2) The Authority shall, while taking any decision under subsection (1), have regard to —

- (a) the prescribed criteria or a plan for the management of a fishery for the suspension, cancellation or revocation of a licence, permit or authorisation; and
- (b) if the holder has been convicted of an offence under this Act, the category of the offence under this Act and penalty imposed by the court for the offence.

(3) When the Authority suspends, cancels or revokes a licence, permit or authorisation, the Authority may also suspend, cancel or revoke any other licence, permit or authorisation issued by it that are held by the holder.

36.(1) The Authority shall not suspend, cancel or revoke a licence, permit or authorisation under section 35 without giving the holder of the licence, permit or authorisation a written notice that —

- (a) states the proposed action;

Procedure for  
suspension,  
cancellation or  
revocation by  
Authority

- (b) states the grounds for the proposed action;
- (c) outlines the facts and circumstances forming the basis for the grounds;
- (d) if the proposed action is suspension of the licence, permit or authorisation, states the proposed suspension period; and
- (e) invites the holder to show cause, within period of 14 days, as to why the proposed action should not be taken.

inform the agent of the flag vessel, the flag state or association, if the licence was issued under an agreement.

(2) If, after considering all written representations made within the period provided under subsection (1) (d), the Authority still considers grounds to take the proposed action exists, the Authority may —

- (a) suspend the licence, permit or authorisation for a specified period, for a period not exceeding the proposed suspension period; or
- (b) cancel or revoke the licence, permit or authorization.

(3) The Authority shall inform the holder of the decision by a written notice, stating —

- (a) the reasons for the decision; and
- (b) that the holder may appeal against the decision to the Appeals Board within a period of 28 days.

(4) The decision shall take effect on the next day —

- (a) when the notice is given to the holder; or
- (b) of effect stated in the notice.

(5) Where the licence, permit or authorisation is suspended, cancelled or revoked on the grounds of the conviction of the holder for an offence —

- (a) the suspension, cancellation or revocation does not take effect until —
  - (i) the end of the period to appeal against the conviction; and
  - (ii) if an appeal is made against the conviction, the appeal is finally decided; and
- (b) the suspension, cancellation or revocation has no effect if the conviction is quashed on appeal.

(6) The compensation shall not be payable if the Authority suspends, cancels or revokes a licence, permit or authorisation.

(7) Subsection (6) does not prevent regulations or a plan for the management of a fishery providing for payment of compensation.

37.(1) Where a licence, permit or authorisation is suspended, it continues to be suspended until the end of the suspension period.

Effect of  
suspension,  
cancellation  
or revocation

(2) Where a licence, permit or authorisation is cancelled or revoked under section 35(1)(a), the proportion of any fees paid with respect to the unexpired portion of the licence, permit or authorisation shall be refunded to the holder of the licence, permit or authorisation.

(3) Where a licence, permit or authorisation in respect of a fishing vessel registered under the Merchant Shipping Act is cancelled or revoked, the fishing vessel may, upon notification by the Authority, be removed from the Register kept by the Record of fishing vessel kept under section 8.

**PART IV - APPEALS BOARD**

Establishment  
of Appeals  
Board

38.(1) There is hereby established an Appeals Board.

(2) The Appeals Board shall consist of the following members appointed by the President —

- (a) an Attorney-at-Law who shall be chairperson of the Board; and
- (b) 4 other members, at least 2 of whom shall have knowledge and experience in fishing industry, and at least 1 of whom shall be a member of the Board of the Authority.

(3) The President shall cause the names of the Chairperson and other members of the Appeals Board to be published in the *Gazette* and every appointment shall take effect from the date of publication.

(4) The Chairperson and other members of the Appeals Board shall hold office for a period of 2 years and are eligible for re-appointment at the end of a term of office.

(5) The Chairperson and members of the Appeals Board shall be paid such allowance as the Minister may in consultation with the Minister responsible for Finance, determine.

(6) The Chairperson and other members shall be removed from office by the President, if he or she —

- (a) is absent from 3 consecutive sittings of the Board without the Chairperson's leave and without reasonable excuse;
- (b) commits an offence which calls into question his or her professional standing;

(c) becomes employed by, or a contractor of, the Authority;

(d) engages in misbehavior, becomes incapable of performing the function of a member because of physical or mental incapacity; or

(e) is adjudged insolvent.

(7) A member of the Appeals Board may resign by signed notice of resignation given to the President.

39. Where before the expiry of the term of office of the Chairperson, or any other member, a vacancy arises for any reason, the person appointed to fill the vacancy shall hold office for the unexpired period of the term for which his or her predecessor would have held office if such vacancy had not arisen.

Casual  
vacancy

40.(1) The sittings of the Appeals Board shall be held at the time and place fixed by the Chairperson.

Meetings  
of Appeals  
Board

(2) The Appeals Board may be formed by the Chairperson and 3 other members to hear an appeal.

(3) The Chairperson or, in the absence of the Chairperson, a member elected by the members present to preside at the meeting, shall preside at a sitting of the Appeals Board.

(4) Any questions at a sitting of the Appeals Board shall be decided by a majority of the votes of the members present and, in the event of an equality of votes, the Chairperson or the member presiding shall have a casting vote.

(5) The Appeals Board is not bound by the rules of evidence and may inform itself in a way it considers appropriate, while observing the principles of natural justice.

(6) Subject to the procedural rules prescribed by regulations, the Appeals Board may regulate its own proceedings.

Powers of witness

41.(1) The Chairperson, or a member of the Appeals Board authorised by the Chairperson may, by written notice, require any person to appear before the Board at a specified time and place to give evidence or to produce a document.

(2) The Chairperson, or a member of the Appeals Board authorized by the Chairperson, may administer an oath or affirmation to the person appearing as a witness before the Appeals Board.

(3) A person who is given a notice under subsection (1) shall—

- (a) attend the sitting of the Appeals Board as required by the notice; and
- (b) continue to attend the sitting of the Appeals Board as required by the Chairperson until excused from further attendance.

(4) A person appearing as a witness before the Appeals Board shall not refuse—

- (a) to take an oath or make an affirmation when required by the chairperson; or
- (b) without reasonable excuse, to answer a question the person is required to answer by the chairperson; or
- (c) without reasonable excuse, to produce a document the person is required to produce by a notice under subsection (1).

(5) A person may upon giving reasonable excuse, refuse to answer a question or to produce a document, if by

answering the question or producing the document may incriminate that person.

42. The Appeals Board referred to in sections 40(2), shall decide a question of law in a proceeding before the Board.

43.(1) A person whose interests are adversely affected by an order, direction or other decision of the Authority, and who is dissatisfied with the decision, may appeal against the decision to the Appeals Board on the following grounds—

- (a) the decision of the Authority was contrary to provisions this Act; or
- (b) the decision of the Authority was manifestly unfair.

(2) No appeal shall lie to the Appeals Board against—

- (a) any policy of the Authority;
- (b) a decision of the Authority about an officer or employee of the Authority in the person's capacity as an officer or employee;
- (c) a decision of the Minister about making a management plan or regulations for measures or plans for the management of fisheries; or
- (d) a decision of the Minister on appointment or removal of a person as an authorised fishery officer.

(3) In this section, a reference to a decision includes a reference to a failure to make a decision within a reasonable period.

44.(1) An appeal shall commence by filing a written notice of appeal with the Appeals Board in the form approved by the Appeals Board.

Questions of law to be decided by Board consisting with Chairperson

Appeals to Appeals Board

Procedure for commencement of appeal

(2) The notice of appeal shall be accompanied by the fees prescribed under the regulations.

(3) The Appeals Board shall give a copy of the notice of appeal to the Authority.

(4) The notice of appeal shall be filed within 28 days after the appellant receives notice of the decision appealed against.

(5) The Appeals Board may at any time for good cause shown extend the period for filing the notice of appeal.

(6) The notice of appeal shall state the grounds of the appeal.

45.(1) The Appeals Board may stay a decision appealed against.

(2) A stay may —

(a) be given on conditions the Appeals Board considers appropriate;

(b) operate for the period specified by the Appeals Board; and

(c) be revoked or amended by the Appeals Board.

(3) The period of a stay specified by the Appeals Board shall not extend past the time when the Board decides the appeal.

(4) The starting of an appeal against a decision affects the decision, or the carrying out of the decision, only if the decision is stayed.

46.(1) In deciding an appeal, the Appeals Board shall —

(a) confirm the decision appealed against;

(b) set the decision aside and substitute another decision; or

(c) set the decision aside and return the matter to the Authority with directions the Appeals Board considers appropriate.

(2) In substituting another decision, the Appeals Board has the same powers as the Authority.

(3) If the Appeals Board substitutes another decision, the substituted decision shall be taken, for the purposes of this Act, to be the decision of the Authority.

47.(1) An appellant dissatisfied with the decision of the Appeals Board may appeal to the Supreme Court and the Supreme Court may make such order as the justice of the case requires.

(2) The Chief Justice may make rules of court regulating the procedure in appeals under subsection (1) and until such rules are made the procedure relating to appeals to the Supreme Court from a decision of a magistrates' court in civil proceedings shall apply.

PART V - ENFORCEMENT MEASURES

Sub-Part 1 Powers of Authorised fishery officers in Seychelles waters and beyond, and on land

48.(1) The Minister may appoint in writing an officer or other employee of the Authority or any other persons as the Minister thinks proper, to be authorised fishery officers for the purposes of this Act, on such terms as may be determined by the Minister.

(2) Without prejudice to subsection (1), the following persons shall be deemed to be authorised fishery officers for the purposes of this Act —

Appeal to Supreme Court

Appointment of authorised fishery officers

of the Appeals Board

of the Appeals Board

Stay of operation of decisions etc.

Powers of Appeals Board on appeal

- (a) public service officers requested by the Minister to assist authorised fishery officers in the performance of their functions;
- (b) members of the Defence Forces, the Seychelles Police or the National Drugs Enforcement Agency requested by the Minister either generally or in specific matters, or Authority in case of urgency; or
- (c) any other person as the Minister may consider necessary.

(3) An authorised fishery officer shall, while in the exercise of his or her powers under this Act, produce on request such means of identification as determined by the Authority for the purposes of enforcing this Act.

(4) An authorised fishery officer may, in the exercise of his or her powers under this Act or any regulation made thereunder use or employ such force as may be reasonably necessary.

(5) An authorised fishery officer appointed under this section may, when exercising any powers or performing any functions under this Act or any regulations made thereunder, be assisted by persons referred to in subsection (2).

(6) A person referred to in subsection (2)(b) may take with him or her any equipment or materials including firearms or other weapons to assist the authorised fishery officer in the exercise of his or her powers or the performance of his or her functions under this Act.

(7) An authorised fishery officer may arrest a person whom he or she has reasonable grounds to believe to have committed an offence under this Act.

(8) The Minister may, without assigning a reason, revoke in writing the appointment of an authorised fishery officer, whereupon his or her appointment shall be immediately terminated.

(9) A person whose appointment as an authorised fishery officer has been revoked under subsection (8), shall return to the Minister or such other person as the Minister shall designate, his or her appointment and all other documents and items in his or her possession solely referable to his or her having been an authorised fishery officer.

49.(1) For the purposes of enforcing this Act and any regulations made thereunder, an authorised fishery officer may stop, board, search and inspect —

Authorised  
fishery  
officer

- (a) any fishing vessel in Seychelles or Seychelles waters; or
- (b) on the high seas —
  - (i) a joint venture fishing vessel, a local fishing vessel or a Seychelles fishing vessel; or
  - (ii) a fishing vessel flying the flag of a State party to a bilateral or an international agreement to which Seychelles is a party and which provides for such stopping, boarding, searching, seizure and detention of such fishing vessel.

(2) An authorised fishery officer may, in the exercise of his or her powers under subsection (1) —

- (a) if the fishing vessel is underway, order it to be stopped or manoeuvred as directed for the purposes of identification or of allowing him or her to go on board it;

- (b) require the master to facilitate the boarding of the fishing vessel by all appropriate means;
- (c) go on board the fishing vessel and take with him or her other persons as he or she may require to assist him or her in the exercise of his or her powers;
- (d) require the master or any member of the crew of the fishing vessel to produce the certificate of registry, licences, authorisations, logbooks or other records relating to the fishing vessel and examine and take extracts from or copies of them;
- (e) require the master to produce for examination records of crew or any member thereof or any person on board the vessel;
- (f) request and take the name and address of any person on board the vessel;
- (g) muster the crew of the vessel;
- (h) require the owner, master or any member of the crew of the fishing vessel to produce for examination any fishing gear or equipment on board the vessel and any fishing gear used from the vessel and for that purpose order the owner, master or any member of the crew of the vessel to bring on board any fishing gear that may be in use;
- (i) require the master of the vessel to appear before him or her and give any explanation concerning the vessel and any fishing gear or equipment on it or concerning the vessel's fishing activities and the certificates, licences, permits, authorisations, logbooks, or other records relating to it and any crew or any person on board it;

- (j) search the fishing vessel including any package, hold, tank, container or other craft on board;
- (k) inspect any vessel monitoring device, vessel tracking device, communication equipment, fish locating or monitoring equipment, positioning equipment and any other equipment on board the vessel;
- (l) require the owner, master or a member of the crew of the vessel to demonstrate the operation of any of the device or equipment referred to under paragraph (k) for the purposes of verifying whether that device or equipment is or has been operated properly, has not been tampered with or otherwise modified or interfered with and is protected against improper use;
- (m) take samples of any fish or fish products found on board; or
- (n) make any search, examination or enquiry which he or she shall consider necessary to find out whether any provision of this Act or any regulations made thereunder have been contravened.

(3) An authorised fishery officer may, if he or she has reasonable grounds to believe that an offence against this Act or any regulations made thereunder has been, is being or is about to be committed, without a warrant seize —

- (i) and detain any fishing vessel, including its equipment, gear, furniture, appurtenances, store and cargo;
- (ii) any logbook, record, document or equipment, any computer or other

electronic device that may be used as evidence in any proceedings under this Act;

- (iii) any fish which he or she believes have been taken or fish products produced in the commission of such offence;
- (iv) any prohibited gear, unlicensed fishing appliance, fish-aggregation device or marine culture system;
- (v) any article which he or she has reason to believe has been used, or was in the possession of someone, in contravention of this Act; or

(4) An authorised fishery officer may, if he or she has reasonable grounds to believe that a violation of a fishery measure under an international agreement to which Seychelles is a party has been committed on the high seas, without a warrant—

- (i) seize and detain a fishing vessel other than a foreign fishing vessel; and
- (ii) where authorised by an international agreement to which Seychelles is a party, seize and detain a foreign fishing vessel,

together with its gear, store and cargo, fish, fishing gear or other article which he or she has reason to believe has been used in the commission of the offence or violation or in respect of which the offence or violation has been committed.

(5) The Authority upon seizure of a foreign fishing vessel shall promptly notify the flag state, through appropriate channels, of the action taken and of any penalties imposed.

(6) An authorised fishery officer may require the master to take the fishing vessel and other articles seized under subsection (3) or (4) together with such persons on board, to the harbour or Port Victoria or other suitable place in Seychelles or Seychelles waters as he or she reasonably believes he or she would require for the purposes of investigating the offence.

(7) The powers contained in this section may be exercised in respect of a fishing vessel irrespective of whether the vessel is at the time of such exercise engaged in fishing or any fishing related activity.

50. An authorised fishery officer may, without a warrant, following hot pursuit in accordance with international law as referred to in Article 111 of the United Nations Convention on the Law of the Sea 1982—

Pursuit  
beyond  
Seychelles  
waters

- (a) stop, board and search outside the Seychelles waters, any foreign fishing vessel which he or she has reason to believe has been used in the commission of an offence under this Act and bring such vessel, all persons and articles on board to the harbour, Port Victoria or any suitable place in Seychelles; and
- (b) exercise beyond the Seychelles waters all powers conferred to an authorised fishery officer under this Act.

51.(1) For the purposes of enforcing the provisions of this Act and any regulations made thereunder, an authorised fishery officer may, without a warrant—

- (a) stop any person conveying or believed to be conveying fish or fish products and inspect any such fish or fish products which the person is found to be conveying, and for that purpose open, search and examine any

Powers of  
entry and  
search on land  
of authorised  
fishery  
officers

- vehicle, equipment, baggage, package or container in which such fish or fish products are or may be or are believed to be conveyed;
- (b) enter, at all reasonable times and have access to the interior of—
- (i) any premises (other than a dwelling) used for carrying on business in connection with the operation of fishing vessels and activities ancillary thereto;
- (ii) any premises (other than a dwelling) of a person engaged in the business of catching, keeping, offering for sale, selling, storing, processing or disposing of fish or fish products, or in any way regarding aquaculture, or carrying goods which relate to any of the foregoing activities;
- (iii) any pier, quay, wharf, marina, jetty, dock or dock premises, seafood factory, processing facility or warehouse;
- (iv) any vehicle, aircraft, vessel or other means of conveyance and open, search and examine any equipment, baggage, package or container;
- (v) any premises (other than a dwelling) of any person engaged in the business of retaining documents containing information on the activities referred to in subparagraph(i) and (ii);
- (c) verify the accuracy of information in any document or record which relates to any of

the activities referred to in paragraph (b)(i), (ii) or (v);

- (d) examine all fish or fish products found in any place which he or she is authorised by this Act to enter and for that purpose to open any package found in that place containing or believed to contain fish or fish products;
- (e) check the size, weight, characteristics of fish or fish products and the operation of any equipment used for the measurement and weighing of fish or fish products.

(2) For the purposes of enforcing the provisions of this Act and any regulations made thereunder, where an authorised fishery officer has reasonable grounds to believe that an offence under this Act or any regulations made thereunder has been, is being or is about to be committed, he or she may, without a warrant—

- (a) seize any vehicle;
- (b) seize any document, gear, article, fish or fish products, that may be used as evidence in any proceedings under this Act or regulations made thereunder;
- (c) request and take the name and address of any person having custody of any fish or fish products, gear or other article which he or she is authorised under this Act to examine or inspect, and request and take from that person the name and address of the owner of such fish, fish products or gear or other article;
- (d) require the owner of or a person connected with—
- (i) any of the premises referred to in subsection (1)(b)(i), (ii), (iii) or (v);

- (ii) any ship, vessel, aircraft, lorry or other vehicle referred to in subsection (1) (iv),

to give to him or her such information and produce to him or her such documents or records within the power or procurement of that person as he or she may reasonably require relating to any of the activities mentioned in subsection (1) (b) (ii) and to examine and take the documents or records or copies of, or extracts from, such documents or records.

### Sub-Part 2 Procedure upon seizure and detention

Custody of seized items

52.(1) Any article seized or detained under Sub-Part 1 shall be delivered in the custody of the Authority and shall, pending judicial proceedings or compounding, and dealt in accordance with this Sub-Part.

(2) If no proceedings in respect of any article seized or detained are instituted within 15 days of its delivery to the Authority, it may be released by an order of the court on demand to any person who appears to be entitled thereto.

(3) Where proceedings are instituted in respect of any article seized or detained and produced in evidence, the court may retain it pending the outcome of such proceedings and, where proceedings are instituted in any other court, may deliver it into the custody of that court which shall deal with it in accordance with this Sub-Part.

Security for release of fishing vessel

53.(1) Where a fishing vessel is seized or detained under this Act and a charge is laid against the master, owner or charterer of the vessel in respect of the offence for which the vessel has been detained, the master, owner or agent of the vessel may at any time before the determination of the charge apply to the court by which the charge is due to be determined for the release of the vessel on the provision of security in accordance with this section.

(2) On hearing an application under subsection (1), the court, on ensuring that no evidence that may be required is thereby prejudiced, shall —

- (a) on being satisfied that reasonable security has been given to the Government in respect of the aggregate of the maximum penalty to which the defendant may be liable and the costs and expenses incurred or reasonably foreseen to be incurred by the Authority and the Government, the Authority shall order the prompt release of the fishing vessel; or
- (b) order the release of the fishing vessel on the production, by any suitable person or persons approved by the court, of a reasonable bond in favour of the Government in the prescribed form, and conditioned in accordance with subsection (3), in an amount not less than the aggregate of the maximum penalty to which the defendant may be liable and the costs and expenses incurred or reasonably foreseen to be incurred by the Authority and the Government.

if— (3) The conditions of the bond or security shall be that,

- (a) the defendant is not found guilty of the charge; or
- (b) the defendant, on being convicted of the charge, pays in full within fourteen days after he or she is convicted the amount of the fine imposed by the court and the amount of all costs and expenses due by him or her to the Authority and the Government, then the bond shall be of no effect but that otherwise the bond shall remain in full force and effect.

(4) The amount specified in the bond shall be recoverable in a court as a debt due to the Government jointly and severally by the person or persons by whom the bond is given unless the person or persons prove the due performance of the condition for which the bond was made.

(5) For the purposes of this section, "fishing vessel" includes all equipment on board or used by the vessel and also includes all fish or fish products or other perishable articles that have been seized from the fishing vessel under this Act.

Procedure for  
detained fish  
and other  
articles

54.(1) The court may, on an application, order —

- (a) any fish, fish products or other perishable articles seized under this Act, to be sold;
- (b) any live fish seized under this Act, to be returned to the sea; or
- (c) any fish or fish products or other perishable articles seized under this Act which are likely to become unfit for human consumption before the matter can conveniently be dealt with by the court, to be destroyed.

(2) The proceeds of any sale under subsection (1)(a) shall be held and dealt with in accordance with this Act as though they were the articles which have been seized.

(3) An authorised fishery officer shall create a certificate in writing describing the fish returned to the sea, or fish, fish products or other perishable articles destroyed under subsection (1)(b) or (c) respectively and any marks, peculiarities or other particulars thereof.

(4) A certificate under subsection (3) shall be prima facie evidence in a court of all such matters of fact stated in it unless otherwise proven.

### Sub-Part 3 Other enforcement measures

55.(1) Where a foreign fishing vessel is in the harbour, Port Victoria or other place in Seychelles waters or at a Seychelles offshore terminal, no fish or fish products shall be landed or transhipped unless an authorisation to do so has been granted by the Authority and, where required, or directed by the Authority, an inspection of the fishing vessel has been carried out by an authorised fishery officer.

Implementation  
of international  
fishery  
conservation  
and  
management  
measures

(2) Where pursuant to an inspection under this Act, the Authority has reasonable grounds to believe that a foreign fishing vessel has engaged in, or supported, illegal, unreported and unregulated fishing or is included in a list of vessels having engaged in, or supported, such kind of fishing established by a Regional Fisheries Management Organisation or any other appropriate regional or international organisation, the Authority shall —

- (a) deny the vessel the use of the harbour, Port Victoria or other place in Seychelles waters or offshore terminal for landing, transhipping, packaging or processing fish or for other port services, including, *inter alia*, refuelling and resupplying, maintenance and dry docking, save where the use of port services is essential to the safety and health of the crew or the safety of the fishing vessel;
- (b) promptly notify the competent authority of the flag State of the vessel of its decision and, as appropriate, relevant coastal State, Regional Fisheries Management Organisation and other international organisations; and
- (c) request the flag State of the vessel to fully and immediately investigate the matter and for that purpose provide it with any information, including evidentiary material, relating to that matter.

Establishment  
of observer  
programme

**56.(1)** An observer programme shall be established by the Authority for the purpose of collecting and reporting reliable and accurate information on the activities of fishing vessels.

(2) The Authority may appoint a person to be an observer for the purposes of the observer programme under subsection (1).

(3) An observer may be appointed in accordance with such manner and on such terms and conditions as may be prescribed or as contained in a fishing agreement under section 12.

Regional  
cooperation  
in  
surveillance  
and  
enforcement

**57.** The Minister may enter into arrangements or agreements with other States in the Indian Ocean, directly or through an international organisation, providing for joint or harmonised surveillance and enforcement measures in respect of foreign fishing vessels.

#### PART VI - OFFENCES

Penalty for  
unlicensed  
foreign  
fishing vessel  
fishing in  
Seychelles  
water

**58.** Where a foreign fishing vessel that is not licensed in accordance with section 11 is used for fishing or any fishing related activity in Seychelles waters or for sedentary species on the continental shelf, the owner and master each commits an offence and is liable on conviction, where the foreign fishing vessel is —

- (a) of a length overall not exceeding 24 metres, to a fine not less than SCR2,500,000;
- (b) of a length overall exceeding 24 metres but not exceeding 50 metres, to a fine not less than SCR12,500,000; or
- (c) of a length overall exceeding 50 metres or more, to a fine not less than SCR18,750,000 and not exceeding SCR31,250,000.

Penalty for  
using a vessel  
for scientific  
research  
fisheries  
without  
approval of  
Minister

**59.(1)** A person who uses a vessel in contravention of section 10(1)(a) (b) or section 10(2) commits an offence.

(2) Where a foreign fishing vessel licensed pursuant to section 11 —

- (a) is used in contravention of any terms and conditions of the licence under section 11(3); or
- (b) is used in contravention of any measure provided for under a fishing agreement applicable to that vessel under section 12,

the owner and master each commits an offence.

(4) The owner and master of a foreign fishing vessel who contravene section 13, 14(a), 14(b) or 15 each commits an offence.

(5) Where a joint venture fishing vessel or Seychelles fishing vessel that is required to be licensed under section 16(1) or authorised under section 25(2), is not so licensed or authorised and is used for fishing or a fishing related activity in Seychelles waters or outside Seychelles waters, the master commits an offence.

(6) Where the master of a joint venture fishing vessel or Seychelles fishing vessel —

- (a) fails to comply with any terms and conditions of the licence imposed under section 16(4); or
- (b) fails to comply with any condition of the authority imposed under section 25(5),

he or she commits an offence.

(7) A person who—

- (a) uses a vessel for sport fishing in contravention of section 18(1); or
- (b) fails to comply with any terms and conditions of a sport fishing permit imposed under section 18(3),

commits an offence.

(8) A person who contravenes section 25(1), 31(1)(a) or 31(1)(b) commits an offence.

(9) A person who—

- (a) commits an offence (1), (2), (3), (4), (5), (6), (7) or (8) is liable on conviction to a fine—
  - (i) not less than SCR1,250,000 and not exceeding SCR6,250,000, if the offence involves the use of a foreign fishing vessel or Seychelles fishing vessel;
  - (ii) not less than SCR625,000 and not exceeding SCR1,875,000, if the offence involves the use of a joint venture fishing vessel;
  - (iii) not exceeding SCR625,000 if a vessel is used for sport fishing or sport fishing competition;
  - (iv) not less than SCR1,250,000 and not exceeding SCR6,250,000 in all other cases not falling under subparagraph (i), (ii) or (iii).

60.(1) A person who, within Seychelles or Seychelles waters—

- (a) on his or her own account, or as partner, agent or employee of another person, lands, transships, imports or otherwise brings into Seychelles or Seychelles waters, exports, transports, sells, receives, acquires or purchases; or
- (b) causes or permits a person acting on his or her behalf, or uses a fishing vessel, to land, transship, import or otherwise brings into Seychelles or Seychelles waters, export, transport, sell, receive, acquire or purchase,

Penalty for landing, transshipping or importing fish to Seychelles etc

any fish in contravention of the laws of another State or of an international conservation and management measure, commits an offence and is liable on conviction to a fine not exceeding SCR18,750,000.

(2) In addition to any penalty imposed under subsection (1), any fish or fish product on board the vessel or any fish unlawfully caught shall be forfeited.

61. Any person—

- (a) who undertakes any aquaculture activity in Seychelles or Seychelles waters in contravention of section 34(2); or
- (b) who undertakes any aquaculture activity in contravention of any conditions of a licence in contravention of section 34(3),

Penalty for undertaking aquaculture activity in Seychelles water

commits an offence and is liable on conviction to a fine not exceeding SCR5,000,000.

Penalty for  
unlicensed or  
authorised  
etc.

62.(1) Where a local fishing vessel that is required to be licensed under section 16(1) or authorised under section 25(2), is not so licensed or authorised and is used for fishing in Seychelles waters or outside Seychelles waters, the owner and master each commits an offence.

(2) Where the owner and master of a local fishing vessel fail comply with any —

- (a) terms and conditions of the licence imposed under section 16(3); or
- (b) conditions of the authority imposed under section 25(5),

the owner or master each commits an offence.

(3) Where the master and owner each commits an offence under subsection (1) or (2), he or she is liable on conviction to a fine not exceeding SCR350,000.

Penalty for  
landing,  
selling or  
receiving  
etc

63.(1) Any person who —

- (a) lands, sells, receives or is found in possession of fish or fish products, knowing or having reasonable cause to believe them to have been taken in contravention of section 31(1)(a) or 31(1)(b);
- (b) fails without reasonable cause to comply promptly with any order, request, requisition, search or inspection, given, made or requested by an authorised fishery officer under this Act;
- (c) wilfully obstructs or delays an authorised fishery officer in the performance of his or her functions under this Act;

- (d) threatens, intimidates or assaults an authorised fishery officer or an observer in the course of his or her duties under this Act;
- (e) offers to pay or pays any bribe or offers or furnishes any inducement to an authorised fishery officer or observer to improperly discharge or refrain from properly discharging any of his or her duties under this Act;
- (f) contravenes section 19(1) or 19(2);
- (g) fails to comply with any terms and conditions of an authority imposed under section 19(4);
- (h) in any manner holds himself or herself out to be, or personates an authorised fishery officer,

commits an offence and is liable on conviction to a fine not exceeding SCR500,000 or to imprisonment for a term not exceeding 3 years or to both.

(2) An authorised fishery officer or observer who accepts a bribe or an inducement in the circumstances set out in subsection (1)(e) commits an offence and is liable on conviction to a fine not exceeding SCR500,000 or to imprisonment for a term not exceeding 3 years or to both.

64.(1) Any person who —

- (a) removes or attempts to remove a detained fishing vessel from detention;
- (b) falsifies, conceals or destroys evidence which could be used in the course of inquiries or judicial proceedings relating to matters under this Act;

Penalty for  
removing,  
tampering,  
or damaging  
to detained  
fishing  
vessel, etc

- (c) tampers or wilfully destroys, damages, renders inoperative or otherwise interferes with the vessel monitoring device or the vessel tracking device of a fishing vessel;
- (d) tampers or wilfully destroys, damages, renders inoperative or otherwise interferes with the gear monitoring device or the gear tracking device of a fishing vessel;
- (e) tampers or wilfully destroys, damages, renders inoperative any fish aggregating device;
- (f) places any fish aggregating device in Seychelles waters in contravention of section 33(1);
- (g) fails to comply with any terms and conditions of an authorisation imposed under section 33(2);
- (h) is required to supply information under this Act, who fails to supply such information or supplies false or misleading information;
- (i) engages in fishing in breach of any measure provided in a plan for the management of a fishery;
- (j) contravenes any prescribed international fisheries conservation and management measure;
- (k) when obliged to so do under this Act, fails to comply with the rules and procedures relating to the taking of any observer on board any designated fishing vessel or the disembarking of the observer;

- (l) is in possession of or uses in Seychelles waters any prohibited or unauthorised fishing gear or method in contravention of sections 32(1) and 32(2);
- (m) who takes fish in a prohibited or closed area or during a closed period;
- (n) attracts shark in contravention of section 32(3); or
- (o) kills, chases or takes any marine mammal in contravention of Section 32(4),

commits an offence and is liable on conviction to a fine not exceeding SCR450,000.

65. A person who —

- (a) produces or submits any false or misleading document or makes any false or misleading statement regarding the licensing of or use of a vessel as a foreign fishing vessel;
- (b) produces or submits any false or misleading document or makes any false or misleading statement regarding the licensing or use of a vessel as a fishing vessel other than a foreign fishing vessel; or
- (c) conspires, attempts, procures, counsels, aids or abets any of the activities under subsections (a) and (b),

commits an offence and is liable on conviction to a fine —

- (i) not exceeding SCR6,250,000 if the offence involves a foreign fishing vessel;

Penalty for producing false or misleading document

- (ii) not exceeding SCR2,500,000 if the offence involves a fishing vessel other than a foreign fishing vessel.

Penalty where no penalty is provided

**66.** Any person who contravenes any provisions of this Act for which no specific penalty is provided, commits an offence and is liable on conviction to a fine not exceeding SCR500,000 or to a term of imprisonment not exceeding 1 year or to both.

Proceedings before court

**67.** In respect of proceedings for offences against this Act, a court may award the Government such costs and expenses incurred in relation to those proceedings as it may deem proper.

Procedure regarding articles in custody of court

**68.(1)** Where an article in the custody of a court is not ordered to be forfeited, it shall be held until all fines imposed for any offence in the commission of which the article was used, or which was committed in respect of the article, and the costs and expenses due by the offender to the Republic have been paid.

(2) If within 30 days following the imposition of a fine, any part of such fine, costs or expenses remains unpaid, such article may be sold, and the proceeds applied towards payment of the fine, costs or expenses.

Presumption

**69.** All fish or fish products found on board any vessel which have been used in the commission of an offence against this Act shall be presumed to have been caught in the commission of the offence, unless the contrary is proved.

Forfeiture of vessel, fish, etc

**70.** Where a person is convicted of an offence under this Act, the court may, in addition to any other penalty—

- (a) order the forfeiture of the fishing vessel, any gear or article used in the commission of the offence;

- (b) order the forfeiture of any fish caught in breach of this Act;
- (c) order that the master of the vessel shall be prohibited from operating or boarding any fishing vessel in Seychelles waters for a period of two years from the date of his or her conviction.

## PART VII - MISCELLANEOUS

**71.(1)** The person notified to be the agent of an applicant in an application for a licence under this Act shall be the agent of that person for all purposes under this Act until the person notifies the Authority in writing, of the name and address of another person to be his or her agent in place of that person.

Agent

(2) Service of any process, notice or any document whatsoever on the agent shall be deemed for all purposes in law to be good and valid service on the said person who is notified to be such at the date of service, notwithstanding any law or practice to the contrary.

(3) If the person notified as agent under subsection (1) no longer resides or have a business address in Seychelles or for any other reason cannot be promptly served as required, such other person as the court may order, shall be the agent of the applicant for the purpose of service.

**72.(1)** The Minister, in consultation with the Attorney General may, for a first offence, if he or she is satisfied that an offence has been committed under this Act and if the person admits the commission of the offence and agrees in writing to its being dealt with under this section—

Compounding of offences

- (a) compound the offence in lieu of instituting legal proceedings for a sum of money that shall not be less than the minimum and not more than the maximum fine specified for the

offence together with the forfeiture of any articles (including the vessel); or

- (b) order the release of any vessel or other article seized in connection with the offence on payment of a sum of money not exceeding the estimated value of the vessel or other article together with the maximum fines and costs that may be imposed in relation to the offence.

(2) Any sum of money received under this section shall be dealt with as though it were a fine imposed by a court.

(3) The Minister shall determine the sum of money to be paid by the offender and the articles to be forfeited under subsection (1) (a), having due regard to the provisions of this Act, the nature, the circumstances, extent and gravity of the offence, the past behaviour of the offender, the extent of the damage caused by the offence on marine resources and ecosystems, and the financial benefit accrued from the violation to the offender.

(4) An ad-hoc compounding committee may be established to advise the Minister in the determination of the sum of money to be paid by the offender and of the nature and extent of any article to be forfeited in accordance with subsection (3).

(5) Upon determination of the sum of money to be paid by the offender by way of fine and upon determination of the nature and extent of any article to be forfeited (or the sum to be paid by the offender in lieu of forfeiture if the Minister so agrees) in accordance with subsection (3), the Minister shall sign the compounding agreement and serve it on the offender who shall pay the sum of money, and hand over all articles determined to be forfeited (to the extent that they are not already in the control of the court), within 14 days from the date of service.

(6) In the event the offender fails to pay the sum of money within the period set out in subsection (5), the compounding agreement shall be null and void and the judicial proceedings shall be instituted or continued as the case may be.

(7) On payment of the sums mentioned in this section and on the effective forfeiture of articles determined to be forfeited, or on payment of the sum of money to be accepted in lieu of forfeiture, the compounding of any offence under subsection (1) shall be filed in court and thereupon the proceedings in connection with the commission of the offence which is pending shall be noted as compounded and the offender absolutely discharged.

(8) The compounding of an offence under this section shall be conclusive and final.

(9) In any proceedings brought against any person for an offence against this Act, it shall be a defence if the person proves that the offence has been compounded under this section.

73.(1) Any information or data transmitted by a vessel tracking device shall be *prima facie* evidence of the position of the vessel at the time and date stated and that such information or data—

- (a) comes from the vessel so identified; and  
(b) was accurately and securely relayed or transferred to the Authority.

(2) Where in any proceedings under this Act the place or area in which a vessel is alleged to have been at a particular date and time or during a particular period of time is material to an offence charged, a place or area stated in a certificate given by an authorised fishery officer shall be *prima facie* evidence, unless the contrary is proved, of the place or area in which the vessel was at the date and time or during the period of time stated.

(3) An authorised fishery officer shall in any certificate made under subsection (2) state —

- (a) his or her name, address, official position and place of appointment;
- (b) the name and, if known, call sign of the fishing vessel concerned;
- (c) the date and time or period of time the vessel was in the place or area;
- (d) the place or area in which it is alleged the vessel was located; and
- (e) the position fixing instruments used to fix the place or area stated in paragraph (d) and their accuracy within specified limits.

Rules of evidence regarding vessel monitoring device

74.(1) Any video recording, information or data recorded by a vessel monitoring device shall be *prima facie* evidence of the fishing operation and position of the vessel at the time and date stated and that such video recording, information or data —

- (a) comes from the vessel so identified; and
- (b) was accurately and securely, downloaded by, or relayed or transferred to the Authority.

(2) Where in any proceedings under this Act, the type of fishing activity or fishing related activity a vessel is alleged to have been conducting and the place or area in which a vessel is alleged to have been at a particular date and time or during a particular period of time is material to an offence charged, then the fishing operation, place or area stated in a certificate given by an authorised fishery officer shall be *prima facie* evidence, unless the contrary is proved, of the fishing activity or fishing related activity that was conducted and place or area in which the vessel was at the date and time or during the period of time stated.

(3) An authorised fishery officer shall in any certificate made under subsection (2) state —

- (a) his or her name, address, official position and place of appointment;
- (b) the name and, if known, call sign of the fishing vessel concerned;
- (c) the date and time or period of time the vessel was in the place or area;
- (d) the place or area in which it is alleged the vessel was located;
- (e) the position fixing instruments used to fix the place or area stated in paragraph (d) and their accuracy within specified limits; and
- (f) the brand and model name of the monitoring device, sensors or other device or equipment used to monitor the fishing activity or fishing related activity of the vessel.

75.(1) Where a photograph or film is taken of any fishing activity and simultaneously the date and time and position from which the photograph or film is taken are superimposed upon the photograph or film, it shall be *prima facie* evidence, unless the contrary is proved, that the photograph or film was taken on the date and, at the time in which the position so appear.

Photographic evidence

(2) The presumption set out in subsection (1) shall arise only if —

- (a) the camera taking the photograph or film is connected directly to the instruments which provide the date, time and position concerned; and

- (b) the photograph was taken by an authorised fishery officer.

(3) Any authorised fishery officer who takes a photograph or film in accordance with subsection (2) may issue a certificate appending the photograph or film by stating —

- (a) his or her name, address, official position and place of appointment;
- (b) the name and call sign, if known, of any fishing vessel appearing in the photograph;
- (c) the brand and model names of the camera, watch, clock or other devices supplying the date and time and the position fixing instrument, the matters set out in subsection 2(a);
- (d) the accuracy of the position fixing instrument used within specified limits; and
- (e) the maximum possible distance and the bearing of the subject of the photograph or film from the camera at the time the photograph or film was taken.

76.(1) The Public Officers (Protection) Act 1976 is extended to all Seychelles waters and to any fact, act or omission that takes place outside the Seychelles waters in accordance with this Act.

(2) Employees of the Authority performing functions under this Act shall be deemed to be public officers for the purposes of the Public Officers (Protection) Act, and sections 372 and 373 of the Penal Code.

77.(1) The Minister may make regulations for carrying into effect the provisions of this Act.

Application  
of Public  
Officers  
(Protection)  
Act  
Cap 192

Regulations

(2) Without prejudice to the generality of subsection (1), regulations made under subsection (1) may provide for —

- (a) the terms and conditions for licensing, permitting and authorising of fishing vessels, forms, format and content of licences, permits and authorisations and the procedure for their issuance, suspension, cancellation and revocation;
- (b) the holder of any licence to execute a bond or give other guarantee of his or her obligations under the licence;
- (c) the establishment of a compliance bond system;
- (d) any vessel licensed, permitted or authorised to be equipped with specified communication equipment and vessel tracking device and any other equipment or device designed to enhance monitoring of fishing activities;
- (e) a plan for the management of a fishery and management measures;
- (f) measures for the protection of corals and shells and other invertebrates;
- (g) measures for the protection of marine mammals and turtles;
- (h) measures for the protection, conservation and management of marine protected areas and establishing marine reserves;
- (i) in consultation with the Seychelles Maritime Safety Administration, measures to ensure the safety and security of fishermen at sea;

- (j) in consultation with the Seychelles Maritime Safety Administration, measures for the safety and security of fishing vessels;
- (k) the terms and conditions governing the placing or setting of fish aggregating devices and regulating fishing in their vicinity;
- (l) for the operation of, conditions and procedures, to be observed by any foreign fishing vessel entering and leaving the Seychelles waters and while in Seychelles waters;
- (m) the management of fishery resources and fishing activities in relation to sports and recreational fishing and competition sport fishing;
- (n) the placing of observers on board a fishing vessel licensed under this Act to fish or carry out fishing related activities in Seychelles waters or beyond, as the case may be, and the rules relating to observers;
- (o) such other measures to combat illegal, unreported and unregulated fishing activities;
- (p) aquaculture;
- (q) delimiting areas of Seychelles waters in which fishing shall be reserved to vessels of Seychelles citizens and local fishermen, including survey and registration of fisherman for permitting or restricting any activity in any specified fisheries;
- (r) compensation payable to Seychelles citizens or to the Government in the event of any loss

- or damage caused by a foreign fishing vessel to other vessels or their gear or catch, or to cables or to other Seychelles interests;
- (s) such other information to be contained in the Record of Fishing Vessels under section 8(2);
- (t) the import and export of live fish and fish products;
- (u) with respect to fishing by Seychelles flagged tuna fishing vessels, joint venture fishing vessels or Seychelles fishing vessels beyond the limits of Seychelles waters;
- (v) the conditions for landing and transhipment of any fish;
- (w) the marking of fishing vessels and gear;
- (x) the catching of certain classes of fish;
- (y) the conservation and management measure adopted by a Regional Fisheries Management Organisation or any other regional fisheries body or arrangement to which Seychelles is a party;
- (z) amending any schedules;
- (aa) fees or charges payable in respect of matters arising under or provided for or authorised by this Act;
- (bb) fines or penalties;
- (cc) any other matter relating to fisheries which is required or authorised to be prescribed under this Act.

(3) Any regulations made under this section may provide that any person who contravenes any regulation commits an offence and is, on conviction, liable to a fine not exceeding SCR20,000.

Repeal

78. The Fisheries Act, 1986 is hereby repealed.

Savings and  
Transitional  
provisions

79.(1) All regulations made, directions issued and notification issued under the repealed Act shall continue in effect, in so far as they are not inconsistent with this Act, until they are repealed or amended under this Act.

(2) All acts done, decisions taken, licences, permits or authorisations granted by the Minister, Chief Executive Officer, officers or employees of the Authority under the Fisheries Act 1986, which were validly done, taken or granted under any written laws or under and pursuant to the repealed Act shall continue to have effect in accordance with the terms or until amended, annulled or withdrawn in accordance with the relevant written laws.

(3) Notwithstanding subsection (1), the Minister may make necessary regulations for the transition from the repealed Act to this Act.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 7th October, 2014.



Ms. Luisa Waye-Hive  
Assistant Clerk