

Seychelles

Manufacture and Export of Produce (Regulation) Act Act 12 of 1963

Legislation as at 30 June 2012

FRBR URI: /akn/sc/act/1963/12/eng@2012-06-30

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PDF created on 21 February 2024 at 15:42.

Collection last checked for updates: 30 June 2014.

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Manufacture and Export of Produce (Regulation) Act

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Manufacture and Export of Produce (Regulation) Act Act 12 of 1963

Commenced on 17 June 1963

[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]

[Act 12 of 1963; S.I. 95 of 1975; S.I. 104 of 1975; S.I. 72 of 1976; Act [23 of 1976](#); Act [3 of 1986](#)]

1. Short title

This Act may be cited as the Manufacture and Export of Produce (Regulation) Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**brand**" means a stamp, mark, label or other visible sign impressed on or affixed to any produce and "to brand" means to impress or affix such a sign;

"**Director**" means the Chief Agricultural Officer;

"**export**" means export from Seychelles for purposes of sale;

"**prescribed**" means prescribed by or in accordance with regulations;

"**produce**" means any article whatever produced or derived from fishing, farming or agricultural operations which the Minister may by notice published in the *Gazette* declare to be produce for the purposes of this Act;

"**regulations**" means regulations under this Act.

3. Inspection of produce before export. Export permit

No person shall export or cause or permit to be exported or attempt to export any produce unless and until such produce has been inspected or inspected and branded in the prescribed manner and an export permit has been issued in respect of such produce by the prescribed authority.

4. Prohibition of export of produce with altered appearance

No person shall export or cause or permit to be exported or attempt to export any produce which has been so treated as to cause it to resemble an article of a different grade or of a different commercial value.

5. Inspectors

- (1) The President may appoint persons by name or office to be inspectors of produce for the purposes of this Act.
- (2) Inspectors shall act under the control and supervision of the Director who shall ex-officio be an inspector for all produce.
- (3) Inspectors shall examine or grade or both examine and grade produce intended for export and shall have such other powers and duties as may be prescribed

6. Appeal from decision of or action taken by inspector

A person aggrieved by a decision of, or action taken by an inspector may appeal to the Director or to a Board of three persons appointed by the Minister. The decision of the Director or of the majority of the Board shall be final and shall not be questioned in any court.

7. Assessors

- (1) The President may, after consulting the Agricultural Board, by notice in the *Gazette* appoint as many persons as he thinks fit to be assessors of produce and may constitute panels of such persons for different kinds of produce.
- (2) A person may be a member of more than one panel.
- (3) The functions of assessors are—
 - (a) to advise the Director on matters arising under this Act; and
 - (b) to assist the inspectors in their examination and grading of produce, in such cases as may be prescribed.
- (4) Unless otherwise prescribed, the Director or the inspectors, as the case may be, shall choose not less than two assessors from the panel of assessors to perform the functions above stated whenever required.

8. Penalty for obstruction

Any person who offers or threatens any resistance obstruction to the Director or an inspector or assessor performing any duty pursuant to this Act shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred rupees or to imprisonment not exceeding six months or to both such fine and imprisonment.

9. Penalty for using unauthorised brand etc.

Any person who wilfully uses in relation to produce any document or brand not authorised for use with that produce shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment not exceeding one year or to both such fine and imprisonment.

10. Penalty for forgery

Any person who with intent to defraud or to deceive commits forgery of any brand or uses as genuine in relation to any produce a forged brand which he knows to be forged or does not believe to be genuine shall be guilty of an offence and shall on conviction be liable to imprisonment not exceeding three years.

11. Penalty for contravention of sections 4 and 5

Any person who contravenes or makes default in complying with any provision of sections 3 and 4 shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment not exceeding one year or to both such fine and imprisonment.

12. Penalty for offences under the regulations

Any person guilty of an offence under the regulations shall on conviction be liable to a fine not exceeding five hundred rupees or to imprisonment not exceeding six months or to both such fine and imprisonment.

13. Documentary evidence of examinations or analysis

A certificate purporting to be signed by the Director stating that produce or a sample thereof has been found on examination or analysis to contain a specified proportion, more or less than a specified proportion of moisture or dirt, or other extraneous matter or of oil or any other constituent or ingredient or to be affected by any disease or organism, fungus, mould or other such thing, shall be deemed to have been so signed and shall be sufficient evidence of the facts stated therein unless the contrary be shown.

14. Indemnity

The Government of Seychelles or any inspector, assessor or other person exercising powers or performing duties under this Act shall not be liable for any damage arising or resulting from the exercise of any such powers or the performance of any such duties.

15. Regulations

The Minister may make regulations to carry out the provisions and objects of this Act and without prejudice to the generality of the foregoing power, regulations may be made for any or all of the following purposes:—

- (a) to prescribe the designations under which various kinds and grades of produce may be exported;
- (b) to prescribe the maximal proportions of moisture and impurities which may be permitted in various kinds and grades of produce;
- (c) to prescribe the kinds of preservatives and the maximal proportions of preservatives which may be permitted;
- (d) to prescribe the minimal proportions of oils and other constituents or ingredients which are required in different kinds and grades of produce;
- (e) to provide for inspection, grading, branding, re-inspection, re-grading and rebranding;
- (f) to prohibit the export of produce not conforming to the prescribed standards of dryness, purity, and content of preservatives;
- (g) to prohibit the export of produce containing less than the prescribed minimal proportions of oils or other constituents or ingredients;
- (h) to provide for the disposal or destruction of produce unfit for export;
- (i) to prescribe modes of packing, types and sizes of packages and particulars to be marked on packages of different kinds and grades of produce;
- (j) to prescribe the duties of producers, merchants, exporters and other persons in relation to giving notice of intention to export and submitting produce or giving facilities for inspection;
- (k) to prescribe modes of cropping, treating, processing, curing, preserving, storing, transporting and shipping;
- (l) to prescribe modes of sampling, examining, inspecting, analysing, marking, sealing and certifying lots and parcels;
- (m) to prescribe the percentage of any one consignment to be examined;
- (n) to prescribe the circumstances in which different kinds of produce may be passed for export, graded, branded, regraded, rebranded, rejected or withdrawn from shipment;
- (o) to prescribe forms of documents to be used;
- (p) to prescribe fees or charges to be paid and provide for the disposal of moneys received; and

- (q) to provide that any contravention of or default in complying with any provision of the regulations shall be an offence.