

Seychelles

Agriculture Act

Act 3 of 1966

Legislation as at 30 June 2012

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Agriculture Act
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Seychelles

Agriculture Act Act 3 of 1966

Commenced on 7 March 1966

[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]
[Act 3 of 1966; S.I. 95 of 1975; S.I. 104 of 1975, S.I. 72 of 1976; Act 23 of 1976]

1. Short title

This Act may be cited as the Agriculture Act.

2. Interpretation

In this Act unless the context otherwise requires—

"**absentee**" means a person who is absent from Seychelles or who is on one of the outlying islands and is not represented by an agent or proxy duly authorized by a power of attorney to manage his principal's land;

"**agriculture**" means cultivation of land and the use of land for any purpose of husbandry, includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, market gardens or nursery grounds, and the use of land for woodlands when that use is ancillary to the use of land for other agricultural purposes, and "agricultural" shall be construed accordingly;

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

"**outlying islands**" means such islands or group of islands as are listed as outlying islands in the First Schedule to the Peace Officers (Inner Islands and Outlying Islands) Act;

"**owner**" includes a co-owner and means in ordinary cases a person having the full ownership; the term "owner" means—

- (a) in any cases where full ownership does not rest with the same person, the usufructuary and the bare owner;
- (b) the owner's agent or proxy duly authorized by a power of attorney to manage his principal's land;
- (c) in cases of vacant estates and successions, the Curator of Vacant Estates;
- (d) in cases of minority, the legal administrator or the guardian;
- (e) in cases of interdiction, the guardian;
- (f) in cases of emancipation or of appointment of a conseil judiciaire, the emancipated minor or the person to whom a conseil judiciaire has been appointed and the curator or conseil judiciaire;
- (g) in cases of substitution, the institute (*grevé*) acting with the concurrence of the tutor to the substitution; and
- (h) in cases where the land is held in leasehold of the Republic, the lessee or the sub-lessee;

"**prescribed**" means prescribed by regulations made under this Act.

3. Director may make land preservation orders

- (1) Whenever the Director considers it necessary or expedient so to do for any or all of the purposes set out in subsection (2), he may issue a land preservation order to any owner or occupier of land

requiring acts or things to be performed or done or prohibiting acts or things from being performed or done to the satisfaction of the Director, imposing conditions upon any such requirement and prescribing dates upon, within or before which such acts or things shall be performed or done or such conditions shall be fulfilled.

(2) Land preservation orders may be made for any or all of the following matters:-

(a) Prohibiting, regulating or controlling—

- (i) the breaking or clearing of land for the purposes of cultivation;
- (ii) the grazing of livestock;
- (iii) the firing, clearing or destruction of vegetation;

when such prohibiting, regulating or controlling is deemed by the Director to be necessary or expedient –

- (iv) for the protection of land against storm, winds, rolling stones, floods or landslips;
- (v) for the preservation of soil ridges, or slopes, or in the valleys;
- (vi) for preventing the formation of gullies;
- (vii) for the protection of land against erosion or the deposit thereon of sand, stones or gravel;
- (viii) for the maintenance of water in any river or stream;
- (ix) for the protection of roads, paths and bridges;
- (x) otherwise for the preservation of the soil and its fertility;

(b) requiring, regulating or controlling—

- (i) the afforestation or re-afforestation of land;
- (ii) the protection of slopes and catchment areas;
- (iii) the drainage of land, including the construction, maintenance or repair of artificial or natural drains, gullies, contour banks, terraces and diversion ditches;

(c) requiring the uprooting, cutting or destruction, without payment of any compensation therefore of any vegetation which has been planted or allowed to grow in contravention of a land preservation order or of bracken fern and other prescribed vegetation;

(d) requiring the supervision of unoccupied land;

(e) prohibiting, restricting or controlling the use of land for any agricultural purpose including the depasturing of stock.

4. Form of land preservation order

A land preservation order shall be as nearly as may be in the form in the schedule.

5. Orders may be made against owner or occupier or both

A land preservation order may be made against the owner or occupier of land, or against both the owner and occupier either at the same time or at different times.

6. Director may alter or amend orders

The Director may alter or amend a land preservation order.

7. Orders to remain in force until cancelled

All land preservation orders shall remain in force until cancelled.

8. Service of orders

- (1) The Director shall notify the owner or occupier of the land affected by a land preservation order, or by an alteration or amendment, by serving it on such owner or occupier.
- (2) A land preservation order or any alteration or amendments thereof shall be served either—
 - (a) by delivering it to the person on whom it is to be served; or
 - (b) by sending it by registered post addressed to that person at his last known postal address;
 - (c) in the case if a corporate body, by delivering it to its manager, secretary or clerk, or sending it by letter addressed to its manager, secretary or clerk at its registered office.

9. Appeals against orders etc.

- (1) Any person aggrieved by the making of a land preservation order by the Director or by any alteration or amendment thereof by the Director may appeal to the agricultural Appeal Tribunal, (hereinafter referred to as the Tribunal) which shall consist of a Judge of the Supreme Court, within thirty days of the service of such order or of such alteration or amendment and upon any such appeal the Tribunal may confirm, vary or cancel the order or the alteration or amendment, as the case may be.
- (2) The decision of the Tribunal on any such appeal shall be final and conclusive and shall not be questioned in any court.

10. Effect of orders etc.

So long as an appeal against a land preservation order or an alteration or amendment thereof is pending—

- (a) the effect of such order, alteration or amendment shall be suspended except for all prohibitions or restrictions contained therein which shall be of full force and effect;
- (b) no person shall be required to expend any money in compliance therewith.

11. Change of owner or occupier

Where a land preservation order is in force in respect of any land, any disposition (including a testamentary disposition) devolution and transmission of the land to which the order relates shall not affect the continued operation of the order, and accordingly the order shall remain in force and be binding on the new owner or occupier as the case may be, as if it had been made so as to relate to the new owner or occupier, as the case may be, as well as to the former owner or occupier.

12. Default in compliance with orders

- (1) Where any owner or occupier against whom a land preservation order is made refuses or fails to comply with the terms of the order, the Director may authorize any person to enter upon the land to which the order relates and to carry out such works thereon or to place such things in, on or over the land as are required to be done by the order or which are otherwise necessary to comply therewith.
- (2) Any person who obstructs execution of any such works, or any part thereof, or the placing of any such things in, on or over the land shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

- (3) The expenses incurred in or about the exercise of the powers conferred by subsection (1) shall be a debt due to the Government of Seychelles from the owner or occupier of the land affected, as the Director may determine, or from the owner and occupier of the land affected, such proportions as the Director may determine. The Government shall have in respect of such debt a privilege on the land affected, such privilege to rank immediately after the privilege for judicial costs.
- (4) The Director may at any time take steps to secure the inscription or registration of such privilege and when inscribed or registered such privilege shall follow the land affected in whosoever hands it may be found.

13. Powers of Directors in cases of absentees

- (1) Where the Director is satisfied that a land preservation order should be made in respect of any land, but after having made such enquiries and given such notices, by advertisement or otherwise, of his intention to exercise his powers under this section in respect of such land, as he shall think fit, is further satisfied that the person on whom such order should be served is an absentee or cannot be found, the Director may authorize any person to enter upon such land and to carry out such works thereon, or to place such things in, on or over the land, as the Director may consider necessary to conserve the soil, to prevent soil erosion or to eradicate bracken fern.
- (2) The provisions of subsection (2), (3) and (4) of [section 12](#) shall apply in respect of the exercise of the powers conferred by this section and any expenses incurred thereunder as those provisions apply in respect of the exercise of the powers conferred by [section 12](#) and any expenses incurred thereunder.

14. Penalty for contravention of order

- (1) Any person who contravenes or fails to comply with the terms of any land preservation order or of any alteration, amendment or variation thereof duly served upon him shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand rupees or to imprisonment for a term not exceeding six months or to both such fine and imprisonment, and in addition, in the case of continuing offence, to fine not exceeding fifty rupees for each day on which the offence continues.
- (2) Where a person convicted of an offence under this Act is body corporate, every person who at the time of the commission of the offence was a director, manager or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.
- (3) Any agent or servant who does or omits to do any act or thing which if done or omitted to be done by his principal or employer would be an offence under this section shall himself be guilty of an offence under this section and shall be liable to the penalties provided for thereunder.
- (4) Every principal or employer, being the owner or occupier of any land, shall be answerable for the acts or omissions of his agent or servant in relation to the land and the farming thereof, and if any agent or servant commits an offence under this section the principal or employer shall also be guilty of an offence under this section and shall be liable to the penalties provided for thereunder.

15. Power of entry

- (1) The Director, any officer of the Department of Agriculture and any person authorized in that behalf by the Director may, at all reasonable times and on giving reasonable notice, enter upon any land for the purpose of inspection thereof or of ascertaining whether, and if so in what manner, any of the duties or powers imposed or conferred by or under this Act should be exercised in relation to the land, or ascertaining whether, and if so in what manner, any requirement imposed under any such duty or power has been complied with.
- (2) Any person who knowingly obstruct or hinders any person or officer in the exercise of his powers or the performance of his duties under the provisions of this section shall be guilty of an offence and

shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

16. Right of occupier for work done in compliance with order

- (1) Where the occupier of any land, not being also the owner of such land, has incurred expenditure on the land in complying with the terms of a land preservation order, he shall be entitled, at the termination of his occupation, on quitting the land, to obtain from the owner, as compensation for such expenditure, such sum as fairly represents the residuary value of such expenditure to the owner.
- (2) No claim for compensation under this section shall be enforceable unless before the expiration of two months after quitting the land the occupier has served notice in writing on the owner of his intention to make the claim. A notice under this subsection shall specify the nature of the claim and particulars of the expenditure incurred by the occupier as aforesaid.

17. References to owners and occupiers of land

Any reference in this Act to an occupier of land shall have effect notwithstanding that such person is also the owner of the land, and any reference in this Act to an owner of land shall have effect notwithstanding that such person is also the occupier of the land.

18. Regulations

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

- (a) regulate the procedure on any appeal under [section 9](#);
- (b) alter, amend or vary the schedule;
- (c) prescribe fees;
- (d) prescribe anything required to be prescribed by this Act.

Schedule (Section 4)

Land Preservation Order

In exercise of the powers conferred by section 3 of the Agriculture Act, the Director hereby makes the following Order

To _____

Address _____

You are hereby ordered to carry out the following work on the land described in the schedule to this Order.

- (a)
- (b)
- (c)
- (d)

You are hereby prohibited from doing any of the following things on the land described in the schedule to his Order.

- (a)
- (b)

(c)

(d)

Should you be in any doubts as to the provisions of this Order to as to the location or extent of the land affected you should consult the Director or an Officer or the Department of Agriculture.

Date _____

Director _____

Schedule

Description of Land affected