

Seychelles

Protected Areas Act

Act 10 of 1967

Legislation as at 30 June 2012

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Seychelles

Protected Areas Act Act 10 of 1967

Commenced on 24 November 1967

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

[Act 10 of 1967; S.I. 95 of 1975; S.I. 72 of 1976; Act [23 of 1976](#)]

1. Short title

This Act may be cited as the Protected Areas Act.

2. Interpretation

In this Act—

"**prescribed authority**" means the person specified as such by name or by office in any order made under [section 3](#),

"**protected area**" means any area, place or premises in relation to which an order made under [section 3](#) is in force.

3. Protected areas

If, as respects any area, place or premises, it appears to the President to be necessary or expedient in the public interest that special precautions should be taken to prevent the entry of unauthorised persons, he may, by order published in the *Gazette*, declare such area, place or premises to be a protected area for the purposes of this Act, and, so long as the order is in force, no person shall, subject to any exemptions for which provision may be made in the order, be in such protected area without the permission of the prescribed authority or such other person as may be specified in the order.

4. Person permitted to enter protected area to comply with directions

Where, in pursuance of [section 3](#), any person is granted permission to be in a protected area, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the prescribed authority.

5. Search of person or conveyance, etc., found in or found entering or leaving protected area

- (1) Any police officer or any person authorised in that behalf by the prescribed authority may search any person, conveyance, vehicle, vessel or container found in or found leaving, or seeking to enter or leave, or reasonably suspected of having recently left, a protected area, and may stop and detain any such person, conveyance, vehicle, vessel or container for the purpose of searching him or it.
- (2) Any person detained for the purpose of being searched shall be deemed to be in lawful custody.
- (3) (a) If any conveyance, vehicle, vessel or container is found to contain any thing whatever which has been, or is being, abstracted or removed from any protected area unlawfully or without the permission of the prescribed authority or of any person authorised by him in that behalf, such conveyance, vehicle, vessel or container and its contents shall forthwith be forfeited and shall abide the directions of the President.

- (b) The President may direct that such conveyance, vehicle, vessel, container or contents be returned to its or their owner or may give such other direction regarding it or them as he thinks fit.

6. Removal of unauthorised person

If any person is in a protected area in contravention of this Act, or, being lawfully in a protected area, fails to comply with any direction given under this act, then, without prejudice to any proceedings which may be taken against him, he may be removed from the area by any police officer or any person authorised in that behalf by the prescribed authority.

7. Power of arrest after challenge

- (1) Any person in a protected area who fails to stop after being challenged by a police officer or by a person authorized in that behalf by the prescribed authority may be arrested.
- (2) A police officer or a person authorised in that behalf by the prescribed authority may use any arms against any person who by force prevents or attempts to prevent the lawful arrest of himself or of any other person in a protected area:

Provided that—

- (i) resort shall not be had to the use of arms under this section unless such police officer or person authorised has reasonable grounds to believe that he or any other person is in danger of grievous bodily harm, and that he cannot otherwise effect such arrest;
- (ii) the use of arms under this section shall be, as far as possible, to disable and not to kill.

8. Measures for protection of protected area

- (1) The President may by notice in writing to the occupier of any protected area direct such occupier at his own expense to take such measures for the better protection of the area as the President may consider reasonably necessary.
- (2) If an occupier fails or refuses within a reasonable time to comply with the directions given under the provisions of subsection (1), the President may cause such measures to be taken and the expenses incurred in so doing may be recovered from the occupier concerned.

9. Safeguarding of information

The President may, by notice in writing require an occupier of a protected area to take such steps as the President may deem necessary in the public interest for the safeguarding of information relating to such area or for security of any classified information or document which may be furnished to such occupier, in his capacity as such, by any public officer.

10. Regulations

The President may make regulations for carrying out the objects and provisions of this Act and, without prejudice to the generality of the foregoing power, such regulations may—

- (a) provide for the erection of warning notices at or near the site of protected areas;
- (b) provide for precautions to be taken to prevent inadvertent or accidental entry into protected areas;
- (c) create offences and provide that contravention of or failure to comply with any such regulations shall be an offence and may prescribe for such offences maximum penalties not exceeding one thousand rupees and twelve months' imprisonment.

11. Penalties

- (1) Any person who is in a protected area without permission contrary to the provisions of [section 3](#) or who fails to comply with any direction given to him under [section 4](#) or refuses to allow himself to be searched under [section 5](#) shall be guilty of an offence and liable to a fine of two thousand rupees and to imprisonment for two years.
- (2) Any person who wilfully and unlawfully removes, destroys, damages, alters or defaces a warning notice erected at or near the site of any protected area shall be guilty of an offence and liable to a fine of one thousand rupees and to imprisonment for one year.
- (3) Any person who fails to comply with any of the requirements of a notice issued to him under [section 9](#) shall be guilty of an offence and liable to a fine of five hundred rupees and to imprisonment for six months.

12. Powers to arrest without warrant

Every offence under this Act shall be a cognizable offence within the meaning and for the purposes of the Criminal Procedure Code.