

Seychelles

Licences Act, 2010

Licence (Trade) Regulations

Statutory Instrument 22 of 1987

Legislation as at 5 July 2017

FRBR URI: /akn/sc/act/si/1987/22/eng@2017-07-05

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PDF created on 21 February 2024 at 17:20.

Collection last checked for updates: 30 June 2014.

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Licence (Trade) Regulations
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Seychelles

Licences Act, 2010

Licence (Trade) Regulations

Statutory Instrument 22 of 1987

Commenced on 31 March 1987

[This is the version of this document at 5 July 2017.]

[SI. 22 of 1987; SI. 12 of 1992; SI. 47 of 1992; SI. 102 of 1992; SI. 16 of 1996; SI. 102 of 1996; SI. 61 of 2005; SI. 11 of 2008; SI. 74 of 2014^a]

1. Citation

These Regulations may be cited as the Licence (Trade) Regulations

2. Application for licence

An application for a licence to trade shall be in the Form provided by the Authority.

3. Form of licence

(1) The licence to trade shall be a licence to trade—

(a) *[regulation 3(1)(a) repealed by [SI 74 of 2014](#) with effect from 13 October 2014]*

(b) as a wholesaler;

(c) as a retailer;

(d) as a hirer of—

(i) self-drive hire vehicles;

(ii) public omnibus,

(iii) omnibus for public hire,

[regulation 3(1)(d)(iii) inserted by regulation 2(a) of [SI 11 of 2008](#) w.e.f. 1 January 2008]

to which the Road Transport Act applies;

(e) as a hirer of hirecraft to which the Control of Hire Craft Act applies;

(f) as an operator of paragliding or commercial ski boat, or hirer of water sports equipment, to which the Beach Control Act applies;

(g) as a hirer of films including video films;

(h) as a hirer of any goods or vehicles other than a hirer referred to in paragraphs (d), (e), (f) or (g).

Note:

(1) There are currently two Licence (Trade) Regulations in force, as [SI 23 of 2012](#) (reproduced below) did not repeal and replace SI 22 of 1987.

(2) The most recent amendment to the Regulations, [SI 74 of 2014](#), purports to amend “SI 22 of 1987 as last amended by [SI 23 of 2012](#)”. As the text of the amendments in [SI 74 of 2014](#) do not make sense when applied to [SI 23 of 2012](#), but do make sense when applied to SI 22 of 1987, they have been made in SI 22 of 1987 for the purposes of this document.

- (2) The Licence to trade shall—
- (a) in the case of a licence to trade referred to in subregulation (1)(b) or (c), specify the category or class of goods for which the licence is granted and the address where the trade is to be carried on;
[regulation 3(2)(a) amended by regulation 2(a)(ii) of SI 74 of 2014 w.e.f. 13 October 2014]
 - (b) in the case of a licence to trade referred to in subregulation (1)(d), (e), (f), (g), or (h), specify the category or class of operation or hiring for which the licence is granted and the address where the trade is to be carried on.
- (3) The Authority may grant a licence to trade in more than one class of trade specified in subregulation (1).

4. Bodies to be consulted

Before granting the licence, the Authority shall consult—

- (a) the Ministry responsible for Planning as to whether the trade premises comply with all requirements of planning under the laws of Seychelles;
- (b) the Ministry responsible for Health as to whether the trade premises conform to the public health requirements under the laws of Seychelles;
- (c) where necessary, the officer in charge of the Fire Brigade as to whether the trade premises comply with all planning requirements relating to fire protection under the laws of Seychelles;
- (d) the Ministry responsible for Defence;
- (e) in the case of a licence under regulation 3(1), (b) or (c), the Seychelles Marketing Board on matters within its purview;
[regulation 4(e) amended by regulation 2(b) of SI 74 of 2014 w.e.f. 13 October 2014]
- (f) in the case of a hirer under regulation 3(1)(d), the Ministry responsible for Transport;
- (g) in the case of a hirer under regulation 3(1)(e), the Harbour Master as to whether the hirecraft complies with the requirements under the Control of Hire Craft Act and, where a hire craft is required to be fitted with a wireless receiver or transmitter, whether there is a valid licence for the receiver or transmitter;
- (h) in the case of a hirer under regulation 3(1) (f), the Ministry responsible for the administration of the Beach Control Act as to whether the requirements under that Act have been complied with;
- (i) in the case of a hirer under regulation 3(1)(g), the Ministry for Information on matters within its purview;
- (j) in the case of a hirer under regulation 3(1)(h), the Ministry or Department having the control or management of goods, or vehicles as to whether all the requirements of law have been complied with.

5. Conditions of trade licence under regulations 3(1)(d), (e), (f), (g) and (h)

- (1) The licence under regulation 3(1)(d) shall be subject to the condition that the holder of the licence shall comply with the provisions of the Road Transport Act and the Regulations made under that Act relating to the vehicles.
- (2) The Authority may, in a licence under regulation 3(1)(e) specify—
 - (a) conditions—
 - (i) restricting the number of passengers;

- (ii) restricting the area of operation;
 - (iii) requiring additional equipment;
 - (iv) relating to standard of accommodation and tourist amenities;
 - (v) requiring the licensee to take out and keep in force a policy of insurance to the satisfaction of the Authority covering the passenger and the crew of the hirecraft, and the public, for personal injury and for damage to their property.
- (b) rates for charter of hirecraft approved by the Minister responsible for Tourism;
- (c) any other conditions which the Authority may deem fit to impose;
- (3) A licence under regulation 3(1)(e) shall—
- (a) be subject to the condition that the holder of the licence shall comply with the Control of Hirecraft Act and any statutory instrument made thereunder; and
 - (b) in the case of a hirecraft which is more than 12 metres long, authorise the holder of the licence to—
 - (i) provide meals,
 - (ii) subject to any written law regulating the sale of liquor and tobacco, sell refreshments, liquor, cigars, cigarettes, tobacco and matches, to passengers on board the hirecraft for consumption on board the hirecraft.
- (4) The Authority may, in a licence under regulation 3(1)(f), specify—
- (a) conditions—
 - (i) to ensure the safety of a skier, flyer, boat crew and land crew;
 - (ii) to ensure the safety of the public and other users of the beach and inshore waters;
 - (iii) restricting or otherwise specifying the area and time of operations;
 - (iv) specifying the necessary equipment including tow rope, harness, boat or safety equipment, suitable engines for the proper and safe operation of water skiing and paragliding;
 - (v) requiring the licence to take out and keep in force a policy of insurance to the satisfaction of the Authority covering the water skier, paraglider, the ski boat and paragliding crew and the public, for personal injury or damage to their property.
 - (b) any other condition which the Authority may deem fit to impose.
- (5) A licence under regulation 3(1)(f) shall be subject to the condition that the holder of the licence shall comply with the provisions of the Beach Control Act and Regulations made under that Act.
- (6) The Authority may in a licence under regulation 3(1)(g), specify—
- (a) conditions—
 - (i) requiring the licensee to submit the films before hiring for the approval of the Ministry responsible for Information which is hereby empowered to call for, examine and rate any film and approve it with or without excision therefrom;
 - (ii) prohibiting the hiring of films which have not been approved by the Ministry responsible for Information or otherwise than in accordance with its approval;
 - (b) any other condition which the Authority may deem fit to impose.

- (7) The Authority may in a licence under regulation 3(1)(h), specify—
- (a) conditions—
 - (i) requiring the licensee to take out and keep in force a policy of insurance to the satisfaction of the Authority covering—
 - A. the passengers in the vehicle and the public for personal injury and damage to their property; and
 - B. damage to goods being carried by the vehicle;
 - (ii) in relation to storage of goods, their disposal and quality control;
 - (b) any other condition which the Authority may deem fit to impose.

6. Processing fees to accompany application

- (1) An application for a licence to trade shall, subject to subregulation (2), be accompanied by the fees set out in the Schedule.
- (2) A person who was the holder of a licence and who applies, after the expiration of the licence, for the same type of licence shall, unless the Authority is satisfied that he had, during the period between the expiration of the licence and his application, ceased to carry on the activity for which he was previously licensed, be liable, in addition to the licence fee and any other penalty under the Act, to a surcharge equal to 10% of the licence fee for each month or part thereof which has elapsed from the date of the expiration of the previous licence and the date of the lodging of his application.
- (3) Where an application for a licence is refused, the Authority shall refund the licence fee and the surcharge to the applicant.

7. Validity and non-transferability of licence

- (1) A licence to trade shall be valid for a period of 12 months from the date of grant unless earlier revoked by the Authority and is, subject to subregulation (2), non-transferable.
- (2) The Authority may, on the application of the holder of a licence and after consulting the relevant bodies specified in regulation 4, authorise, subject to such conditions as it thinks fit, the holder of the licence to transfer the activities under the licence to another premises.

Fees (Regulation 6(1))

1.	Processing an application for a licence other than a licence to trade as a retailer	R. 50	
2.	Processing an application for a licence to trade as a retailer	R. 25	
3.	Licence fee	1 year	3 years
(i)	<i>[Schedule item 3(i) repealed by regulation 2(c) of SI 74 of 2014 w.e.f. 13 October 2014]</i>	R1000	R2500
(ii)	wholesaler (in respect of each premises where the trade is carried on)	R2200	R6200
(iii)	retailer—		
	(a) of handicrafts	R200	
	(b) of other goods (in respect of each premises where the trade is carried on)	R400	R1130
	<i>[Schedule item (3)(iii) repealed and substituted by regulation 2 of SI 16 of 1996 w.e.f. 26 February 1996]</i>		
(iv)	<i>[Schedule item (3)(iv) repealed by regulation 2(a) of SI 102 of 1996 w.e.f. 1 January 1997]</i>		
(v)	hirer of hirecraft to which the Control of Hire Craft Act applies—		
	A. where the hirecraft belongs to a Seychellois—		
	AA. the craft, not being a beach-craft does not exceed 3m	R500	R1,410

	AB. the craft, not being a beach-craft, exceeds 3m but does not exceed 12m	R1,500	R4,230
	AC. the craft, not being a beach-craft, exceeds 6m but does not exceed 9m	R4,000	R11,280
	AD. the craft, not being a beach-craft, exceeds 9m but does not exceed 12m	R6,000	R16,920
	AE. the craft, not being a beach-craft, exceeds 12m but does not exceed 20m	R8,000	R22,560
	AF. the craft, not being a beach-craft, exceeds 20m	R10,000	R28,200
	AG. the hirecraft is a beach craft (including wind-surfing boards, sail boards and the beach sport crafts)	R 100	R 280
	B. where the hirecraft does not belongs to a Seychellois, each of the fees specified in sub-subitem A is doubled.		
(vi)	operator of paragliding, commercial ski boat and hirer of water sports equipment	R.400	R1130
(vii)	Hirer of films (in respect of each premises where the trade is carried on)	R.400	R1130
(viii)	Hirer of bullock carts	R.20	R 60
(viii)	Hirer of one omnibus[Schedule item 3(viii) inserted by regulation 2(b) of SI 11 of 2008 w.e.f. 1 January 2008]		
<i>[Note: This item inserted by SI 11 of 2008 as a second item 3(viii)]</i>			

(ix)	Hirer of loaders and excavators	R.400	R1130
(x)	Hirer of other goods not otherwise specified (in respect of each premises where the trade is carried on)	R.400	R1130
4.	Licence fee for hirer of self-drive hire vehicles	R5 per hire vehicle for each day	
<i>[Schedule item 4 inserted by regulation 2(b) of SI 102 of 1996 w.e.f. 1 January 1997]</i>			