

S.I. 23 of 2012

LICENCES ACT, 2010

(Act 23 of 2010)

Licences (Trade) Regulations, 2012

In exercise of the powers conferred by section 28 of the Licences Act, 2010, the Minister of Finance, Trade and Investment makes the following Regulations —

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| 1. | These Regulations may be cited as the Licences (Trade) Regulations, 2012. | Citation |
| 2. | An application for a licence to trade shall be in the form prescribed by the Authority. | Application for licence to trade |
| 3.(1) | The licence to trade shall be a licence to trade as — | Type of licence |
| | (a) an importer; | |
| | (b) a wholesaler; | |
| | (c) a retailer; | |
| | (d) a hirer of hirecraft to which the Control of Hire Craft Act applies; | |
| | (e) an operator of paragliding or commercial ski boat, jet-skis or hirer of water sports equipment, to which the Beach Control Act applies; | |
| | (f) a hirer of any goods or vehicles other than a hirer referred to in paragraph (d) or (e). | |
| (2) | The licence to trade shall — | |

- (a) in the case of a licence to trade referred to in subregulation (1) (a), (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;
- (b) in the case of a licence to trade referred to in subregulation (1) (d), (e) or (f), 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).

Bodies to be
consulted

4. Prior to granting a licence, the Authority shall consult—

- (a) the Planning Authority as to whether the trade premises comply with all requirements of planning under the laws of Seychelles;
- (b) the Department responsible for Public 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 and Rescue Services Agency as to whether the trade premises comply with all planning requirements relating to fire protection under the laws of Seychelles;
- (d) in the case of a hirer under regulation 3(1) (d), the Seychelles Maritime Safety Administration as to whether the hirecraft complies with the requirements of 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 of transmitter;

- (e) in the case of a hirer under regulation 3 (1) (e), the Ministry responsible for the administration of the Beach Control Act as to whether the requirements under that Act have been complied with;
- (f) in the case of a hirer under regulation 3(1) (f), 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.(1) The Authority may, in a licence under regulations 3(1) (d) specify —

Conditions
of licence

- (a) conditions—
 - (i) restricting the number of passengers;
 - (ii) restricting the area of operation;
 - (iii) requiring additional equipment;
 - (iv) relating to standard or 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 crew of the hirecraft, and the public, for personal injury and for damage to the property;
- (b) rates for charter or hirecraft approved by the Seychelles Tourism Board;

- (c) any other conditions which the Authority may deem fit to impose;

(2) A licence under regulations 3(1) (d) shall be subject to the condition that the holder of the licence shall comply with the provisions of the Control of Hire Craft Act and the Regulations made under that Act.

- (3) The Authority may, in a licence under regulation 3(1) (e) 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 licensee 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 or personal injury or damage to their property.

- (b) any other conditions which the Authority may deem fit to impose.

(4) A licence under regulation 3(1)(e) 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.

(5) The Authority may in a licence under regulation 3(1)(f), 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 conditions which the Authority may deem fit to impose;

6.(1) Subject to subregulation (2), an application for a licence to trade shall be accompanied by the fees set out the Schedule.

Processing fees
to accompany
application

(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 has, 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.

Validity and
non-
transferability
of licence

7.(1) A licence to trade shall be valid for a period of 1 year, 3 years or 5 years as applicable unless 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:

"SCHEDULE

		Reg 6(1)	
		FEES	
1. Licence fee—		5 Years	
		SCR	
(i) importer		1200	
(ii) wholesaler		1200	
(iii) retailer		1200	
2. Licence fee for hirer of hirecraft to which the Control of Hire Craft Act Applies—			
		1 Year	3 Years
A. where the hirecraft belong to a Seychellois and		SCR	SCR
AA. the craft, not being a beahcraft, does not exceed 3m		500	1,400

AB. the craft, not being a beachcraft, exceeds 3m but does not exceed 12m	1,500	4,200
AC. the craft, not being a beach craft, exceeds 6m but does not exceed 12m	4,000	11,200
AD. the craft, not being a beachcraft, exceeds 9m but does not exceed 12m	6,000	16,900
AE. the craft, not being a beachcraft, exceeds 12m but does not exceeds 20m	8,000	22,500
AF. the craft not being a beach craft, exceeds 20m	10,000	28,200
AG. the hirecraft is a beachcraft (including wind-surfing boards, sail boards and the beach sport crafts	100	300
B. where the hirecraft does not belong to a Seychellois, each of the fees specified in sub-item A is doubled		
(i) operator of paragliding, commercial ski boat and		

hirer of water sports equipment	400	1,150
(ii) hirer of bullock carts	20	60
(iii) hirer of loaders and excavators	400	1,150
(iv) hirer of goods not otherwise specified	400	1,150

MADE this 3rd day of May, 2012.

PIERRE LAPORTE
MINISTER OF FINANCE, TRADE
AND INVESTMENT
