

CHAPTER 90

HARBOUR ACT

[23rd July, 1932]

Act 13 of 1992.

Act 22 of 1903.

Act 4 of 1914.

Act 16 of 1932.

Act 16 of 1949.

Act 8 of 1953.

Act 2 of 1954.

Act 4 of 1956.

Act 12 of 1962.

Act 13 of 1969.

Act 31 of 1973.

S.I.95 of 1975.

S.I.72 of 1976.

Act 23 of 1976.

Dec.26 of 1977.

Act 10 of 1984.

Act 4 of 1985.

Act 9 of 1985.

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Short title. 1. This Act may be cited as the Harbour Act.

3/23/1976.

PART I

Harbour Regulations

Interpretation. 2. In this Act, unless the context otherwise requires -

3/23/1976.

2/D.26/1977. "harbour" means the harbour of Victoria and any bay, roadstead or place within three nautical miles from any coast;

"harbour dues" means the dues and rates leviable by virtue of regulations made under section 3;

"Government" means the Government of Seychelles;

"Harbour Master" means the person for the time being performing the functions of Harbour Master in Seychelles or an officer duly authorised as Acting Harbour Master;

"vessel" includes any ship or boat or any other description of vessel used in navigation and also includes every article or thing or collection of things being or forming part of the tackle, apparel, furniture, equipments, cargo, stores or ballast of a vessel.

Regulations. 3. The Minister may make regulations to provide for -

2/31/1973.

S.I.95/1975. (a) (i) the control of traffic in the harbour, of

3/23/1976. wharves, landing places quays, buoys, lighters, small craft, plying boats, motor boats employed in the harbour for the transport of persons and goods, and the tariff for such boats;

(ii) the prohibition, control and regulation of persons and goods entering or leaving the Port Security Area;

(b) the use of pilots;

(c) the control of -

(i) vessels loaded with petroleum or explosives;

(ii) the landing of explosives, petroleum and other dangerous goods;

(iii) the landing of cargo;

(iv) the berthing, mooring and departure of ships;

(d) pilotage, towage, anchorage, light and other dues to be paid in respect of any vessel entering or leaving the harbour;

(e) rates for the supply of fresh water to any vessel in the harbour;

(f) generally for carrying any of the purposes of this Act into effect.

Power to 4. It shall further be lawful for the Minister to define
define by regulations the inner and outer harbour of Victoria and the
harbours Port Security Area for the purposes of regulations made under
quays, Port this Act, and also to define lawful wharves, landing places or
security Area, mooring places.
etc.

4/31/1973.

S.I 95/1975.

3/23/1976.

Penalty. 5. Regulations made under section 3 or section 4 may

2/4/1985. impose by way of penalty a fine not exceeding twenty thousand rupees or imprisonment not exceeding two years or both such fine and imprisonment.

Prosecution. 6. Offences against such regulations may be prosecuted by any police officer.

Payment of 7. All harbour dues leviable by virtue of regulations made
harbour dues. under section 3 shall become due and payable forthwith to

4/13/1969. Republic.

S.I.72/1976.

Remission 8. The Minister after consultation with the Minister for
and reduction Finance may remit or reduce any charges due under this Act.
of charges.

2-5/16/1932.

2-5/16/1949.

2/34/1967.

S.I.95/1975.

Fishing Port 9.(1) The President may, by order, designate any areas within
of Seychelles or in the vicinity of the harbour of Victoria as the Fishing

25/10/1984 Port of Seychelles.

6/9/1985 (2) The President may make regulations with respect to the administration and control of the Fishing Port of Seychelles and, for that purpose, may, in particular, confer or impose powers and duties on the Seychelles Fishing Authority

Cap. 214 established by the Seychelles Fishing Authority (Establishment) Act, including powers to make changes and levy fees in prescribed circumstances.

(3) To the extent that the President makes regulations under subsection (2) those regulations shall have effect notwithstanding anything to the contrary in this or any other Act, but otherwise this Act shall continue to apply in relation to the area of the Fishing Port of Seychelles to the same extent as it would have applied if this section had not been enacted.

Vessels sunk, 10(1) Where any vessel is sunk, stranded or abandoned in any
stranded or harbour the Harbour Master may -
abandoned.

5/13/1969. (a) take possession of, and clear the harbour of, raise,

S.I.95/1975. remove, or destroy the whole or any part of the vessel;

3/D26/1977. and

(b) light or buoy any such vessel or part until the clearing, raising, removal or destruction thereof; and

(c) sell, in such manner as he thinks fit subject to the approval of the Minister after consultation with the Minister responsible for Finance any vessel or part so taken possession of, cleared, raised or removed and also any other property recovered in the exercise of his powers under this section, and out of the proceeds of the sale reimburse the Government for any expenses incurred by him in relation thereto under this section, and the Government shall hold the surplus, if any, of the proceeds in trust for the persons entitled thereto:

Provided that a sale shall not, except in the case of property which is of a perishable nature or which would deteriorate in value by delay, be made under this section until at least seven clear days' notice of the intended sale has been given by advertisement in the Gazette and in a newspaper circulating in Seychelles.

(2) The powers conferred by this section shall be in addition to and not in derogation of any other powers for a like object.

Recovery of 11(1) In the case where harbour dues payable in respect of
harbour dues any vessel have not been paid, either in whole or in part, the
by distraint Harbour Master, with such assistance as he may deem necessary,
and sale go on board such vessel and take, distraint, or arrest, of his
of vessel. own authority, such vessel or any part thereof, and detain the
5/13/1969. matters so distrained or arrested until the harbour dues are
S.I.95/1975. paid.
3/D26/1977.

(2) In case where any of the said dues shall remain unpaid for the space of seven days next after any distress or arrestment so made, the Harbour Master may sell, in such manner as he thinks fit, subject to the approval of the Minister, after consultation with the Minister responsible for Finance, the matters so distrained or arrested or any part thereof, and with the proceedings of such sale may satisfy the harbour dues so unpaid and the expenses of taking, keeping and selling the matters so distrained or arrested and the Government shall hold the surplus, if any, of the proceeds in trust for the persons entitled thereto.

Recovery of 12. Without prejudice to any other remedy, the Republic may
harbour dues recover harbour dues payable in respect of a vessel from the
by court owner, master or agent of such vessel by proceedings in any
proceedings. court of competent jurisdiction.
5/13/1969.
S.I.72/1976.

Detention of vessel. 13.A vessel in respect of which harbour dues are payable but have not been paid, either in whole or in part, may be
5/13/1969. detained by order of the Harbour Master and such vessel shall
3/D26/1977. not receive clearance or leave harbour until such dues have been paid.

Sale to confer un-encumbered title on purchaser of vessel. 14.Any sale by the Harbour Master of a vessel or of any part thereof pursuant to his powers under section 10 or section 11 shall transfer the absolute and unqualified ownership of such vessel or part thereof to the purchaser free and discharged from encumbrances.
5/13/1969.
3/D26/1977.

Retrospective effect. 15.For the avoidance of doubt, it is hereby expressly enacted that sections 11 and 12 shall apply in respect of
5/13/1969. harbour dues leviable, due and payable before as well as after the date on which these sections come into force.

PART II

Pilots

Appointment of pilots. 16(1) It shall be lawful for the President to appoint from time to time, and as occasion may require, such number of

S.I.95/1975. persons as he may think fit and as may be properly qualified,

S.I.72/1976. to act as pilots in and for any one or more of the Seychelles Islands.

(2) Every such appointment shall be notified in the Gazette.

Duties of pilots. 17(1) Any pilot appointed under this Act shall be under the control of the Harbour Act.

S.I.95/1975.

3/23/1976. (2) Any pilot shall, besides the conduct of ships and vessel,

3/D26/1977. discharge such other duties as the Minister may, from time to time, by regulation under this Act or by any order, appoint him to perform.

Oath and security bond. 18.(1) No pilot shall assume the duties of his office until he shall have taken the official oath according to the Official

7/12/1962. Oaths Act, to be tendered by the Registrar of the Supreme Court

Cap. 153 before a Judge in chambers.

(2) He shall also, so soon as possible after his appointment, furnish a security bond through an approved guarantee society, in the sum of one thousand rupees, the said bond being conditioned for the careful pilotage of ships and vessel which he shall conduct in the execution of his office; and for his proper observance of all laws and regulations or orders affecting his said office.

Limited 19.No pilot who shall have executed and furnished security

liability of as provided by this Act shall be liable in damages to any

pilots. party aggrieved for any act done by him in the execution of

3/23/1976. his office beyond the amount specified in the security bond.

Limited liability of Government. 20. The Government of Seychelles shall not be responsible to any party aggrieved for any act done by any pilot in the execution of his office beyond the amount of the security bond of such pilot, and such responsibility shall cease on the production by the said Government of the said bond.

Aggrieved party may sue on the bond in his name. just. 21. In case any party have been aggrieved by any act of such pilot done in the execution of his office, such party may, in his own name and at his own risks as to cost, recover from such pilot and the guarantee society the amount of such security bond or any portion thereof which to the competent court may seem just.

Persons acting as pilots without authority punished. 3/23/1976. 22. Any person who shall not have been appointed a pilot under the provisions of this Act, and who shall conduct as a pilot any ship or vessel into or out of the harbour or roadstead of Victoria, shall be guilty of an offence and liable for each offence to a fine not exceeding five hundred rupees without prejudice in any such case to any action in damages in which he may be answerable for any act done by him.

Penalty on master, etc. 23. Any master or other person in charge of a ship or vessel, who shall wilfully employ as a pilot any person not qualified under the provisions of this Act to act as a pilot, shall be liable to the penalties provided in section 22.

Exception 24. The penalties enacted by sections 22 and 23 shall not

when ship is be incurred in any case where any person shall have been

in distress. employed as pilot to conduct a ship or vessel when such ship or vessel was in distress, or under circumstances which shall have rendered it necessary for the master or person in charge of such ship or vessel to avail himself of the best assistance which at the time could be procured.

List of pilots. 25. A list of pilots appointed under this Act shall be and

3/23/1976. shall remain affixed to a conspicuous part of the Port Office and Customs Office in Victoria, and shall be delivered to every master or person in charge of ship or vessel at the same time as and with the quarantine regulations.

Regulations. 26.(1) The Minister shall have power to frame regulations

S.I.95/1975. providing for the qualifications of candidates for the office of pilot, the service and duties of pilots, and generally the carrying out of the provisions of this part.

(2) Such regulations may provide for a fine not exceeding two hundred rupees for any breach or contravention thereof.

Government 27.(1) This Act shall apply to the officer acting as

Pilot and Government Pilot and Assistant Harbour Master.

Assistant

Harbour Master (2) Nothing in this Act shall affect the pension rights of

3/23/1976. such officer, or of any other officer hereafter appointed as

3/D26/1977. Government Pilot and Assistant Harbour Master.

Exemption of 28. The provisions of this Part shall apply to the

men-of-war, following classes of vessel only if such vessels request to

etc. be supplied with a pilot:-

7/10/1901.

1-15/22/1903. (a) British or foreign men-of-war or transports, or vessels

3/4/1956. belonging to the Government of Seychelles;

(b) private yachts;

(c) vessels touching at Port Victoria without entering the inner harbour.

Liability of 29. Notwithstanding anything in any Act or regulation, the
owner or owner or master of a vessel navigating under circumstances in
master in which pilotage is compulsory shall be answerable for any loss
the case of a or damage caused by the vessel or by any fault of the
vessel under navigation of the vessel in the same manner as he would if
pilotage. pilotage were not compulsory.

2/4/1914.

3/23/1976.
