

CHAPTER 71

SUBSIDIARY LEGISLATION

Section 40

The Environment Protection (Miscellaneous) Regulations

SI. 84 of 1995

SI. 118 of 1995

SI. 74 of 1996

SI. 84 of 1996

SI. 29 of 2000

S.I. 12 of 2010

1. These regulations may be cited as the Environment Protection (Miscellaneous) Regulations, 1995

2. In these regulations, unless the context otherwise requires:

(a) "Authority" means the Division of Environment of the Ministry of Foreign Affairs, Planning and Environment ;

(b) "Form" means a form set forth in the Third Schedule;

(c) "Government Analyst" means a person specified in Column 2 of the Second Schedule;

(d) "person" in relation to any factory or premises from where a sample is taken for analysis, means a person or occupier or his agent who has control over the affairs of the factory or premises and includes in relation to any substance, the person in possession of the substance;

(e) "section" means a section of the Act.

3. (1) Every application for authorisation under section 7(4)(a) and 7(5) shall be made in Form I and shall be accompanied by a fee of R100.

(2) Every application for authorisation under section 8(2) or 8(3) shall be made in Form II and shall be accompanied by a fee of R100.

(3) On receipt of an application for authorisation under subregulation (1) or subregulation (2) the Authority may depute any of its officers accompanied by as many assistants as may be necessary, to visit and inspect any place or premises under the control of the applicant or the occupier, for verifying the correctness or otherwise of the particulars furnished in the

application or for obtaining such further particulars or information which in the opinion of such officer are essential.

(4) Any officer deputed under subregulation (3) may inspect any place or premises where solid, liquid or gaseous emissions from any location within the premises are discharged and may require the applicant or the occupier to furnish the officer any plans, specifications or other data related to control equipment or system or any part thereof that the officer considers necessary.

(5) The officer referred to in subregulation (3) shall, before visiting under that subregulation any place or premises of the applicant, give notice to the applicant of the intention to do so in Form III and the applicant shall furnish to such officer all information and provide facilities for inspection.

(6) The officer may, before or after carrying out the inspection under subregulation (3) require the applicant to furnish to the officer orally or in writing such additional information or clarification or to produce before the officer such document as the officer may consider necessary for the purpose of investigation of the application and may for that purpose summon the applicant to the office of the Authority;

(7) The Authority shall communicate its decision to an applicant under subregulation (1) or subregulation (2) within one month of the receipt of the application by the Authority.

(8) A decision of the Authority under this regulation may be subject to such conditions as the Authority may impose and be revoked by the Authority at any time for any breach of the conditions.

(9) Any person aggrieved by the decision of the Authority under this regulation may within fourteen days of the communication of the decision under subregulation (7) appeal to the Minister in Form IV and the Authority shall comply with the decision of the Minister on such appeal.

(10) A fee of R50 shall be deposited by every appellant in the office of the Authority and an authenticated copy of the receipt obtained thereof shall be annexed to every appeal.

4. Each person specified in column 1 of the First Schedule is appointed as an authorised officer and shall perform the functions specified in the corresponding entry of column 2 of that Schedule.

5. The laboratories specified in column 1 of the Second Schedule are recognised as environmental laboratories for the purpose of section 26(1);

6. The following shall be the functions of environment laboratories-

(i) application of standardisation methods for sampling and analysis of various types of effluents and pollutants;

(ii) to analyse samples sent by the authorised officer under sub-section (1) of section 25;

(iii) to carry out such other functions as may be entrusted by the Minister from time to time.

7. (1) A person shall not be qualified for appointment or recognised as a Government analyst unless he has experience in environmental investigation, testing or analysis.

(2) Each person specified in column 2 of the Second Schedule is appointed a Government Analyst for the purpose of analysis at the environmental laboratory specified in the corresponding entry in column 1 of that Schedule.

8. The notice required to be served under section 25(3)(a) shall be in analysis Form V.

9. (1) An authorised officer empowered to take samples under section 25 shall collect the sample in sufficient quantity to be divided into two uniform parts and effectively seal and suitably mark the same and permit the person from whom the sample is taken to add the seal of the person or mark, to all or any of the portions so sealed and marked.

(2) The authorised officer shall after complying with subregulation (1) hand over one part of the sample to the person from, whom the sample is taken under acknowledgement and send the other part forthwith to an environmental laboratory for analysis.

10. (1) Sample taken for analysis shall be sent by the authorised officer to an environmental laboratory along with Form VI.

(2) The findings of the Government Analyst shall be recorded in Form VII in triplicate and signed by the Government Analyst and sent to the authorised officer who had sent the sample for analysis.

(3) On receipt of the report of the findings of the Government Analyst, the authorised officer shall send one copy of the report to the person from whom the sample was taken for analysis, the second copy shall be retained by the officer for record and the third copy shall be kept by the officer to be produced in the court before which the proceedings, if any, are instituted.

11. The Notice under section 29(7) shall be issued by an authorised officer in Form VIII.

FIRST SCHEDULE

(REGULATION 4)

AUTHORISED OFFICERS AND FUNCTIONS

Officer Functions

I. (1) Director, Assistant Director, Biochemist, Section 22(1) and

Senior Project Officer, Project Officer, Section 25(1)

Environment Officer, Project Technician,

Senior Laboratory Technician, Laboratory Technician, Environment Inspectors not below the Grade IV level Senior Enforcement Officers not below Grade III and Inspectors not below Grade IV from the Environment Assessment and Pollution Control of the Department of Environment.

(2) Managing Director, Senior Parks Officers, Parks Officers, Assistant Parks Officers and Rangers from the Seychelles National Parks Authority.

(3) Commissioned Officers of the Seychelles Coast Guard;

(4) Police Officers of and above the rank of Sub-Inspector;

(5) Coxswain and Marine Mechanics of the Port and Marine Services Division.

II. Any Police Officer or any Environment Section 24 Inspector from the Department of Environment not below the Grade I Level.

III.(1) Principal Secretary of the Ministry Section 29(2) of Environment and Transport;

(2) Director General of the Department of Environment;

(3) Director, Assistant Director, Biochemist, Senior Project Officer, Project Officer,

Environment Officer, Project Technician,
Senior Laboratory Technician, Laboratory
Technician, Inspectors not below the Grade
IV level and Inspectors not below Grade
IV from the Department of Environment
from the Department of Environment;

(4) Director, Senior Conservation Officer, Conser- Section 29(2)
vation Officer, Assistant Conservation Officer,
Senior Research Officer, Project Officer, Ranger
not below the Grade II level from the
Conservation Section of the Department of
Environment.

(5) Director, Assistant Director, Forestry Section 29(2)
Officer, Assistant Forestry Officer,
Senior Project Officer, Project Officer,
Forester, Forest Ranger (Grade I & II)
from the Forestry Section of the Department
of Environment

(6) Any Senior or Assistant Education Section 29(2)
Officer from the Education and Information
Unit of the Department of Environment.

(7) Principal Environmental Health Officer and
Environmental Health Officers from the
Ministry responsible for Health;

(8) District Administrators;

(9) Director, Amenity Officers from the
Landscape and Waste Management Agency;

(10) Director General, Pier Master from the
Port and Marine Services Division;

(11) Director General, Officers of the Legal
Unit, Marsh Unit Supervisors of the
Policy, Planning and Services Division;

(12) Assistant Market Keepers Section 29(2)
(Grade I & II) of the Ministry of
Agriculture & Marine Resources.

(13) Police Officer Section 29(2);

(14) Wardens and Rangers from the
Seychelles Islands Foundations;

(15) Director General, Highway Patrol
Officers, Specialised Highway Patrol
Officers, Traffic Wardens from the
Land Transport Division;

(16) Fishing Port Manager, Assistant
Fishing Port Manager, Senior Supervisor,
Chief Security Guard, Pier Master from
the Seychelles Fishing Authority;

(17) Managing Director, Manager, Project
Co-ordinator, Project Officers, Senior
Park Officer, Parks Officer, Assistant
Parks Officers, Ranger Grade 3 & 4

from the Seychelles National Parks Authority;

(18) Managing Director Administration Officers

Driver Senior Inspector Chief Task Force

Supervisor Task Force Supervisor Task

Force Worker Administration and Finance

Manager Senior Education Officer of the

The Agency responsible for the management

Of wastes designated under section 12(2) of the

Environment Protection Act Section 29(2)

SECOND SCHEDULE

(REGULATIONS 5 and 7)

ENVIRONMENTAL LABORATORIES AND GOVERNMENT ANALYSTS

Environmental Government

Laboratory Analyst

1. Public Health Laboratory Director of Public Health

Ministry of Health Laboratory

MontFleuri Biochemist

Environmental Chemist

Director Plant Genetic

Research Section

2. Laboratory Section Ian Charlette

Public Utilities Corporation

Unity House

Mahe

3. Environmental Laboratory Vivian Radegonde

Seychelles Bureau of Standards

Pointe Larue

Mahe

4. Soil and Plant Diagnostic José Lousteau Lalanne

Laboratory

Ministry of Agriculture &

Marine Resources

Independence House, Mahe

THIRD SCHEDULE

(Regulations 2 and 3)

FORMS

FORM1

APPLICATION FOR AUTHORISATION FOR DISCHARGE OF EFFLUENT ON LAND OR IN ANY WATERCOURSE

From : Date: _____

To:

Sir,

I/We hereby apply for authorisation / renewal of authorisation under section 7(4)(a) / 7(5) of the Environment Protection Act (Cap 71) for establishing or taking any steps for establishment of an industry / operation / process or any treatment / disposal system to bring into use any new / altered outlet for discharge* sewage / trade effluent* from land / premises owned by

The other relevant details are below:-

1. Name of owner / occupier

2. (a) Individual

(b) Partnership firm

(Whether registered or unregistered)

(c) Proprietary Limited Company

(d) Public Limited Company

(e) Government Company

(f) Foreign Company

(if a foreign company, the details of registration, incorporation, etc.)

(g) Any other association or body:

3. Name and address of the unit & location.

4. Details of Commissioning etc.:-

Approximate date of production:

5. Details of licence, if any, obtained under the provisions of any other law.

6. Name of the person authorised to sign this form (the original authorisation is to be enclosed in case the application is for renewal)

7. (a) Attach the list of raw materials and chemicals used per month

(b) Licenced annual capacity of the Unit.

8. State daily quantity of water in kilolitres utilised and its source.

9. (a) State the daily maximum quantum of effluent discharge and mode of disposal. Also attach analysis report of the effluents.

(b) Quality of effluent currently being discharged or expected to be discharged.

(c) Is there any effluent treatment plant? If yes, a brief description of unit operations with capacity. Attach information on the quality of treated effluent vis-a-vis the standards.

(d) What monitoring arrangement is currently there or proposed.

10. State details of solid wastes generated in the process or during waste treatment

Description	Quantity	Method	Method of disposal
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11. Whether the unit is handling any hazardous substances as defined under the Act. If yes, whether emergency plans are prepared for taking on-site / off-site measures.

12. Whether the unit is generating hazardous wastes as defined under the Act. If yes, indicate the quantum and method of disposal.

13. I/we further declare that the information furnished above is correct to the best of my/our knowledge.

14. I/we hereby submit that in case of change either of the point of discharge or the quantity of discharge or its quality, a fresh application for authorisation shall be made and until authorisation is granted no change shall be made.

15. I/we hereby agree to submit to the Authority an application for renewal of authorisation one month in advance of the date of expiry of the authorised period for outlet/discharge if be continued thereafter.

16. I/we, enclose herewith cash receipt no/bank draft no dated for SR (Seychelles Rupees) in favour of the towards the fees payable under the Act.

Yours faithfully

Signature of applicant

1. Any applicant knowingly giving information or suppressing any information pertaining thereto shall be liable to be punished under the Act.

2. *Strike out which is not relevant

FORM II

APPLICATION FOR AUTHORISATION FOR EMISSION/CONTINUATION OF EMISSION

From:

.....
.....
To:

.....
.....
Sir,

I/we hereby apply for Authorisation/Renewal of Authorisation under section 8 of the Environment Protection Act (Cap 71) to bring into use a new/altered stack for the discharge of emission/ to begin to make new discharge of emission/to continue to discharge emission* from stack in industry owned by

The other relevant details are:

1. (a) Name of owner/occupier
(b) Name and Address of the unit location
2. (a) Number of stack and vents with height and diameter
(b) Quality and quantity of stack emission from each of the above stacks - Suspended Particulate Matter (SPM) and Sulphur Dioxide (SO₂)
Additional parameters as specified by the Authority.)
(c) A brief account of the air pollution control unit to deal with the emission.
(d) Parameters and Frequency of self monitoring.

I/we enclosed herewith Receipt No/ Bank Draft No dated for SR (Seychelles Rupees) in favour of the towards the fees payable under the Act.

Yours faithfully

Signature of Applicant

Note: 1. Any applicant knowingly giving incorrect information or suppressing an information pertaining thereto shall be liable to the punished under the Act.

2. *Strike out which is not relevant.

FORMIII

NOTICE OF INSPECTION

To

Take Notice that for the purpose of enquiry under section the following officers of the Authority, namely:

- (i) -----
- (ii) -----
- (iii) -----

and the persons authorised under the Act to assist them shall inspect -

Any system of your industrial Plant

Any other parts thereof or pertaining thereto under management / control of
on date between hours when all facilities requested by
them for such inspection should be made available to them on the site.

Take notice that refusal or denial to above stated demand made under the functions of the Authority shall amount to obstruction punishable under section 31 of the Act.

Copy to:Administrator

- 1. -----
- 2. -----

FORMIV

MEMORANDUM OF APPEAL

Memorandum of Appeal under section 20 of the Environment Protection Act (Cap. 71)

.....

.....

.....

.....

(here furnish complete postal address)..... Appellant

Vs.

.....

.....

.....

(here mention the name and designation

of the Authority) Respondent

(1) The appellant named above, begs to prefer this memorandum of appeal against the notice dated passed by

(2) The facts of the case are as under:

(here briefly mention the facts of the case)

(3) The grounds on which the appellant relies and the purpose of this appeal are as below.

(here mention the grounds on which the appeal is made)

(4) In the light of what is stated above the appellant respectfully prays that the notice is unreasonable and be set aside / varied.

(5) The amount of SRs (Seychelles Rupees) as fee for this appeal has been paid to Vide receipt No dated

Place:

Signature of the Appellant

Date:

Name:

Occupation:

Address:

Verification

I (appellant's name) in the above Memorandum of appeal/or/duly authorised agent do/does hereby declare that what is stated therein is true to the best of my knowledge and belief.

Signature

Name

(in block letters)

Occupation

Address

.....

.....

Dated:

FORMV

NOTICE OF INTENTION TO HAVE SAMPLE ANALYSED

To

.....

.....

Take notice that it is intended to have analysed the sample of which has been taken today, the day of 19 from* by

(Name and designation of the person who takes the sample)

*Specify the place where the sample is taken

AUTHORISED OFFICER

DATE

FORMVI

MEMORANDUM TO GOVERNMENT ANALYST

From

.....

.....

To

The Government Analyst

.....

.....

The portion of sample described below is sent herewith for analysis under Regulation 10(1) of the Environment Protection (Miscellaneous) Regulations.

The portion of the sample has been marked with the following mark:

Details of the portion of sample taken.

.....

Date Name and designation of person who

sends sample

FORMVII

REPORT BY GOVERNMENT ANALYST

Report No:

Date:

I hereby certify that I Government Analyst duly appointed under section 27 of the Environment (Protection) Act (Cap 71) received on the day of 19 from

1.

.....

a sample of for analysis

The sample was in a condition fit for analysis as reported below:

I further certify that I have analysed the aforementioned sample on
and declare the result of analysis to be as follows:

2.

.....

The condition of seals, fastening of sample on receipt was as follows:

.....

.....

signed this day of 19

1. Here write the name of the officer/authority from whom sample was obtained.

2. Here write full details of analysis and refer to method of analysis

FORMVIII

FIXED PENALTY NOTICE

No.

To

.....

I have reason to believe that on at am/pm at you committed
the offence of

You may discharge your liability to conviction for that offence by paying a fixed penalty of
SR 200.00 to the Registrar of the Supreme Court at the Registry of the Supreme Court,
Victoria or the Sub-Accountant, Grand Anse, Praslin within 14 days of the date of this notice.

.....

Date Signature of the authorised officer

Note: Failure to pay within the time stipulated may result in your being prosecuted before the
court for the offence.
