

SI. 29 of 2009

Section 12 (2)

Environment Protection (Landscape and Waste Management Agency) Regulations

[2nd March 2009]

1. These Regulations may be cited as the Environment Protection (Landscape and Waste Management Agency) Regulations, 2009 and shall be deemed to have come into operation on 1st January, 2009.

2. In these Regulations-

“Agency” means the Landscape and Waste Management Agency established under regulation 3(1);

“Board” means the Board appointed under regulation 10(1);

“hazardous waste” means any waste harmful to health and the environment;

“landscape waste” means any area of land private or public, in its natural state or alerted by human intervention that may be or is used for public purposes or to which the public or part of the public has a right of access;

“landscaping” means the upkeep, planting, or installation or maintenance of facilities on any land or area used for public purposes or to which the public or part of the public has a right of access;

“member” means a member of the Board and includes the Chairperson;

“Minister” means the Minister responsible for Environment;

“waste” means garbage, refuse, sludge, construction debris and any other discarded substance resulting from industrial and commercial operations or from domestic, individual or community activities.

3. (1) There is established an Agency to be called the Landscape and Waste Management Agency, which shall be a body corporate.

(2) The Agency is responsible for the management of waste and overall landscape development and management of Seychelles.

4. The Agency-

- (a) shall monitor the work of contractors undertaking landscaping contracts on behalf of the Government of Seychelles to ensure that quality and standards are maintained in accordance with the landscaping contracts;
- (b) shall act as adviser to the Government of Seychelles with regards to landscape management;
- (c) shall plan, coordinate and monitor the development and management of public landscaping in Seychelles;
- (d) shall be responsible for the maintenance of all drains including the repairs of such drains;
- (e) shall maintain and improve the landscape of urban centers, roads, highway corridors, public parks and any other public places;
- (f) shall be responsible for the management of waste including the monitoring and control of a waste disposal site;
- (g) shall issue technical instructions that provide for technical acceptance conditions for the deposit and discharge of waste at a waste disposal site;
- (h) shall designate and approve a site where receptacles or public waste bins may be placed prior to collection for disposal at a waste disposal site;
- (i) shall issue instructions as to the manner in which waste may be placed in receptacles or public waste bins for disposal at a waste disposal site;
- (j) may enter into contracts or agreements with any person or companies for the collection and disposal of waste, cleaning of waste bins and any other matter relating thereto;
- (k) shall ensure that companies or persons responsible for waste collection, collect waste, clean waste bin sites and dispose waste at a waste disposal site;
- (l) may charge fees for the collection of disposal and treatment of waste;
- (m) shall maintain statistical data on the nature, quantity and volume of waste generated, and of sites where waste processing and waste disposal are taking or has taken place;
- (n) shall advise the Minister on the preparation of waste management plans and written laws, which the Agency may consider necessary in connection with the performance of its functions.

5. (1) The Minister shall appoint a person to be the Chief Executive Officer of the Agency on such terms and conditions as may be applicable to an employee of a public body.

(2) Subject to the directions of the Board, the Chief Executive Officer-

(a) shall have supervision over and direction of the day to day affairs of the Agency;

(b) shall perform the functions of the Agency;

(c) shall have power to sign documents on behalf of the Agency; and

(d) may delegate any of his or her powers to any other employee of the Agency.

(3) On appointment under subregulation (1), the Chief Executive Officer of the Agency shall be an *ex-officio* member of the Board.

6. The Agency may employ such other persons as are necessary to assist the Chief Executive Officer in the performance of his or her functions on terms and conditions, and according to the procedures applicable to an employee of a public body.

7. (1) The funds of the Agency consist of-

(a) moneys appropriated by the Appropriation Act and paid to the Agency;
and

(b) moneys lawfully charged by the Agency.

(2) The funds of the Agency may be applied by the Agency-

(a) in payment of expenses incurred by the Agency in the performance of its functions; and

(b) in payment of salaries payable to its employees, the Chief Executive Officer and the allowances payable to the members.

8. (1) For each financial year the Agency shall prepare and submit to the Minister and the Minister responsible for Finance, the estimates of income and expenditure of the Agency.

(2) The Minister may, acting after consultation with the Minister responsible for Finance, approve with or without modification the estimates submitted under subregulation (1).

(3) After the Minister approves the estimates under subregulation (2), the estimates so approved shall be the estimates of the Agency for the financial year for which it is prepared.

(4) The financial year of the Agency shall be a period of 12 months ending on the 31st December of any year.

(5) The first financial year of the Agency shall end on 31st December next following the date of publication of these Regulations.

9. (1) The Agency shall keep proper accounts and records in relation to the accounts and shall prepare in respect of each financial year of the Agency, a statement of accounts in such form

as the Minister, acting after consultation with the Minister responsible for Finance, may direct.

(2) The accounts and statement of accounts of the Agency referred to under subregulation (1) shall be audited by an auditor appointed by the Minister responsible for Finance.

(3) As soon as the accounts are audited under subregulation (2), the Agency shall submit to the Minister and the Minister responsible for Finance a copy of the statement together with a copy of any report made by the auditor on that statement or the accounts of the Agency.

10. (1) The Agency is managed by the Board appointed by the Minister, consisting of the following members-

(a) the Chief Executive Officer appointed under regulation 5(1);

(b) a representative of the Ministry responsible for Environment nominated by the Minister;

(c) a representative of the Ministry responsible for Health nominated by the Minister, after consultation with the Minister responsible for Health;

(d) a representative of the Ministry responsible for Community Development nominated by the Minister, after consultation with the Minister responsible for Community Development;

(e) a representative of the Seychelles Tourism Board nominated by the Chairman of the Board;

(f) a representative of the Seychelles Chamber Commerce and Industry nominated by the Chamber of Commerce;

(g) a representative of the Consumers' Association nominated by the Association.

(2) The Minister may appoint 3 other persons who, in the opinion of the Minister, have knowledge and experience likely to contribute to the successful direction of the affairs and operations of the Agency.

(3) The Minister shall designate a member appointed under subregulation (1) to be Chairperson of the Board.

(4) The Minister shall publish in the Gazette, the names of the members appointed under subregulation (1) and (2).

11. A member appointed under regulation 10(1) and (2) shall hold office for a period of 2 years from the date of publication, and may be reappointed for a further term.

12. (1) The Chairperson may resign from office by a letter addressed to the Minister, and the resignation shall take effect from the date on which the Minister receives the letter.

(2) A member other than the Chairperson may resign from office by a letter to the Minister and transmitted through the Chairperson and the resignation shall take effect from the date on which the Minister receives the letter.

(3) The Minister may remove a member from office upon being satisfied that the member-

(a) is, for whatever reason, permanently incapable of discharging the duties of a member;

(b) has been absent, without leave of the Board, from 3 consecutive meetings of the Board;

(c) has neglected the duties of a member; or

(d) is guilty of an offence.

(4) Where a member resigns or is removed from office, other than on the expiration of the period of office-

(a) the Minister shall appoint a person to hold office for the remaining period of office of the member referred to under regulation 10(1) (b), (c), (d) and (2); or

(b) the person who nominated the member who vacated membership under regulation 10(1) (e), (f) and (g), shall nominate another person for appointment to the Board.

(5) On the publication in the Gazette of the name of the person so appointed under subregulation 4(1) or (b), the person shall hold office for the unexpired period of membership of the member who vacated membership.

13. (1) The Board shall meet at least once every two months and at such other times as the Chairperson may determine.

(2) Five members shall constitute a quorum for any meeting of the Board.

(3) The Chairperson is to preside at all meetings of the Board at which he or she is present.

(4) If the Chairperson is absent from a meeting, the members present shall elect from among them, a member to preside, and the member shall, with respect to such meeting or any business transacted, have all the powers of the Chairperson.

14. The members may be paid such allowances as the Minister may determine.

15. The Board may regulate its own proceedings.

16. The Environment Protection (Designation of Solid Waste Agency) Regulations, 1995 is repealed.
