

CONSOLIDATED TO 30 JUNE 2012

SI. 30 of 2009

Sections 4(3) and 40

Environment Protection (Seychelles National Parks Authority) Order

[2nd March 2009]

1. This Order may be cited as the Environment Protection (National Parks Authority) Order, 2009 and it shall be deemed to have come into operation on 1st January, 2009.

2. In this Order, unless the context otherwise requires-

“Authority” means the National Parks Authority constituted under paragraph 3;

“Board” means the Board appointed under paragraph 13;

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

“Minister” means the Minister responsible for Environment;

“National Park” has the meaning given to it under section 2 of the National Parks and Nature Conservancy Act, and includes the National Parks designated under that Act.

3. There is constituted the National Parks Authority, which shall be a body corporate.

4. (1) The Authority-

(a) shall be responsible for the protection and management of a National Park;

(b) shall implement policies and programmes for the protection and management of a National Park;

(c) shall monitor and control all activities concerned with the management and protection of a National Park;

(d) shall commission research or sponsor studies concerned with the management and protection of a National Park;

(e) shall promote awareness of a National Park, and shall provide and disseminate information relating to a National Park;

(f) shall perform such other functions with respect to the conservation of flora and fauna in a National Park as may be conferred on it by or under any written law;

(g) may advise the Minister on policies and written laws concerned with the protection and management of a National Park, which may be considered necessary by the Authority in the performance of its functions.

5. (1) The Minister shall, subject to subparagraph (3), appoint a person to be the Chief Executive Officer of the Authority 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 shall-

(a) undertake executive responsibility for the effective functioning of the Authority;

(b) have supervision over and direction of the day to day affairs of the Authority; and

(c) perform the functions of the Authority.

(3) The Chief Executive Officer shall be a person who is suitably qualified and has working experience in marine science, biology, management and any other disciplines relevant to the functions of the Authority.

(4) On appointment, the Chief Executive Officer shall be an ex-officio member of the Board.

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

7. (1) The Minister may give to the Authority directions in writing on the policy to be followed by the Authority in the performance of its functions, and the Authority shall comply with those directions.

(2) Directions under subparagraph (1) shall not restrict or be inconsistent with the functions conferred on the Authority under this Order.

8. (1) The Authority may, for the purpose of the performance of its functions, with the approval of the Minister granted after consultation with the Minister responsible for Finance, borrow moneys in or outside Seychelles.

(2) The Authority may give security over any of its assets for the purpose of a borrowing under subparagraph (1).

(3) The Minister responsible for Finance may, out of public moneys, make, at the request of the Minister, advances to the Authority of such amounts and on such terms as the Minister responsible for Finance, acting after consultation with the Minister, determines.

(4) The Authority shall make to the Republic at such times and in such manner, as the Minister responsible for Finance acting after consultation with the Minister may direct, payments of such amounts as may be so directed in or towards the repayment of advances made pursuant to subparagraph (3), or of any sums issued in fulfillment of any guarantee given under any written law in respect of any amount borrowed in accordance with subparagraph (1), or of interest on any such advances or sums at the rate directed by the Minister responsible for Finance.

9. (1) The funds of the Authority shall consist of-

- (a) moneys appropriated by an Appropriation Act and paid to the Authority;
- (b) moneys lawfully borrowed by the Authority;
- (c) moneys due on any investment made by the Authority;
- (d) other moneys lawfully received by the Authority for the purposes of the Authority.

(2) Funds of the Authority may be applied by the Authority-

- (a) in payment or discharge of the costs, expenses and other obligations of the Authority; and
- (b) in payment of remuneration, fees and allowances payable to a member and the employees of the Authority.

(3) Moneys of the Authority not immediately required for the purposes of the Authority may be invested-

- (a) on fixed deposits with one, or more than one, bank;
- (b) in Government securities; or
- (c) in any other manner which, the Authority, with the approval of the Minister granted after consultation with the Minister responsible for Finance, thinks fit.

(4) The Authority shall, after making adequate provision for-

- (a) acquisition or replacement of assets;
- (b) depreciation of assets;
- (c) repayment of loans and advances;
- (d) repayment of interest on all charges and expenses incurred in connection with loans; and

(e) any matter which the Authority considers necessary, including any investment under subparagraph (3),

pay, with the approval of the Minister, the surplus funds remaining for each financial year into the Consolidated Fund.

10. (1) For-

(a) each financial year of the Authority; and

(b) any longer period which the Minister acting after consultation with the Minister responsible for Finance may require,

the Authority shall prepare and submit to the Minister and the Minister responsible for Finance, not later than such date as the Minister may direct, estimates of the income and expenditure of the Authority, including its capital budget for the financial year or any such longer period.

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

(3) After the Minister approves the estimates under subparagraph (2), the estimates so approved shall be the estimates of the Authority for the period for which it is prepared.

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

(5) The first financial year of the Authority shall end on 31st December next following the date of publication of this Order.

11. (1) The Authority may open and maintain an account or accounts with one, or more than one, bank and shall maintain at all times at least one such account.

(2) The Authority shall pay all funds of the Authority into an account maintained under subparagraph (1).

12. (1) The Authority shall keep proper accounts and records in relation to the accounts and shall prepare, in respect of each financial year of the Authority, 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 Authority shall be audited by an auditor appointed by the Minister acting after consultation with the Minister responsible for Finance.

(3) As soon as the accounts and statement of accounts of the Authority in respect of any financial year of the Authority have been audited pursuant to subparagraph (2), the Authority 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 on the accounts of the Authority.

13. (1) The Authority is managed by a Board appointed by the Minister, consisting of the following members-

- (a) the Chief Executive Officer appointed under paragraph 5(1);
- (b) a representative of the Ministry responsible for Environment nominated by the Minister;
- (c) a representative of the Ministry responsible for Defence nominated by the Minister, after consultation with the Minister responsible for Defence.
- (d) a representative of the Seychelles Tourism Board nominated by the Chairman of the Board;
- (e) such other persons as may be appointed by the Minister from among 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 Authority.

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

(3) A member appointed under subparagraph (1) shall hold office for a period of two years and is eligible for reappointment.

(4) The Minister shall cause the names of the members appointed under subparagraph (1) to be published in the *Gazette*.

14. (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 paragraph 13 (1)(b), (c) and (e); or

(b) the person who nominated the member who vacated membership under paragraph 13(1)(d) 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 subparagraph 4(a) or (b), the person shall hold office for the unexpired period of membership of the member who vacated membership.

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

(2) 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.

16. (1) The Board may meet not less than six times in any one calendar year and at such other times as the Chairperson may determine.

(2) The decision of the majority of the members present and voting at any meeting of the Board shall be considered to be the decision of the Board.

(3) No act, decision or proceeding of the Board shall be questioned on account of any vacancy in the membership thereof, or on account of appointment of any member of the Board being defective if the act was done or authorised or the decision was taken or the proceeding took place by or in accordance with a majority vote of the persons who at the time were entitled to act as members.

17. One half the number of members of the Board shall constitute a quorum for any meeting of the Board.

18. A member appointed under paragraph 13(1)(e) may be paid such allowance as may be determined by the Minister.

19. Subject to this Order, the Board shall regulate its own proceedings.

20. The Environment Protection (Marine Parks Authority) Order, 1996 is repealed.
