

SEYCHELLES MARINE SPATIAL PLANNING AGENCY ACT, 2026

(Act 6 of 2026)

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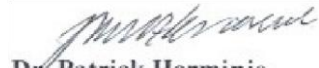


SEYCHELLES MARINE SPATIAL PLANNING AGENCY ACT, 2026

(Act 6 of 2026)



I assent


Dr. Patrick Herminie
President

16th April, 2026

AN ACT TO ESTABLISH THE SEYCHELLES MARINE SPATIAL PLANNING AGENCY WITH RESPONSIBILITY OF MARINE SPATIAL PLANNING THROUGHOUT THE TERRITORY OF SEYCHELLES AND THE EXCLUSIVE ECONOMIC ZONE OF SEYCHELLES, TO OVERSEE THE ADMINISTRATION, COORDINATION, MONITORING AND EVALUATION, REVIEW AND ADAPTIVE MANAGEMENT OF THE SEYCHELLES MARINE SPATIAL PLAN AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

ENACTED BY THE PRESIDENT AND THE NATIONAL ASSEMBLY.

PART I - PRELIMINARY

Short title

1. This Act may be cited as the Seychelles Marine Spatial Planning Agency Act, 2026.

Interpretation

2. In this Act —

“Agency” means the Seychelles Marine Spatial Planning Agency established under section 3;

“Executive Committee” means the Executive Committee of the Agency constituted under section 6(1);

“Chairperson” means the Chairperson of the Executive Committee appointed by the President under section 6(2);

“Chief Executive Officer” means the Chief Executive Officer appointed under section 9;

“Deputy Chief Executive Officer” means the Deputy Chief Executive Officer appointed under section 10;

“implementing agency” means any entity involved in the implementation of the marine spatial plan;

“marine spatial plan” means the document titled “Seychelles Marine Spatial Plan” prescribed under section 4(2) (a) and amended from time to time;

“marine spatial planning” means the design, administration, implementation, enforcement, monitoring and evaluation and review of the marine spatial plan;

“mean high water mark” means the line of mean high tide between the ordinary high-water spring and ordinary high-water neap tides;

“Minister” means the Minister responsible for Environment and Ministry shall have the same meaning;

“registered NGO” means a non-governmental organisation registered in accordance with the Associations Act, 2022 (*Act 8 of 2022*) or any other applicable written law of Seychelles; and

“Vice-Chairperson” means the Vice-Chairperson of the Agency appointed by the President under section 6(2).

PART II - ESTABLISHMENT AND FUNCTIONS OF THE AGENCY

Establishment of the Agency

3.(1) There is hereby established an agency to be known as the Seychelles Marine Spatial Planning Agency.

(2) The Agency shall be a body corporate with perpetual succession and a common seal.

(3) The Agency may enter into agreements and arrangements with any person, body or organisation in respect of any matter relating to its functions.

Functions of the Agency

4.(1) The Agency shall carry out such functions as may be necessary for the purposes of this Act.

- (2) Without prejudice to the generality of subsection (1), the Agency shall —
- (a) oversee the development and implementation of national marine spatial planning up to the mean high-water mark and to the seaward boundaries of the exclusive economic zone;
 - (b) monitor, evaluate and review the marine spatial plan;
 - (c) guide the strategic implementation of the marine spatial plan;
 - (d) ensure the effective functioning of the Management and Scientific Committees;
 - (e) ensure international obligations are appropriately incorporated into marine spatial planning;
 - (f) coordinate, facilitate and monitor implementation of the marine spatial plan by implementing agencies;
 - (g) facilitate and require implementing agencies to report on marine spatial planning in line with reporting requirements published from time to time;
 - (h) oversee practical issues of zone and protected area management in line with its designation, including the establishment of parameters and criteria for the development of management plans under the marine spatial plan;
 - (i) provide oversight, coordination and where appropriate, implementation of the —
 - (i) development of standard formats for protected area management plans and reporting;
 - (ii) development and review of protected area draft management plans with clear measures to support area and marine spatial plan objectives;
 - (iii) realisation of efficiencies, synergies and optimal use of capacities;
 - (iv) monitoring of the implementation of marine spatial planning;

- (v) assessment of overall implementation of the marine spatial plan, its review and adaptive management;
- (j) develop marine spatial plan scientific practices in order to —
 - (i) identify data requirements to support marine spatial plan and crosscutting area management plan objectives;
 - (ii) identify data requirements to support priority, area-specific management objectives;
 - (iii) establish criteria for marine spatial plan datasets to facilitate analysis and utility;
 - (iv) undertake independent peer review of all datasets;
 - (v) identify strategic, cross-cutting and key knowledge and data gaps for marine spatial plan management;
 - (vi) develop and promote the implementation of a prioritised management-oriented research agenda;
 - (vii) develop and review model data sharing agreements;
- (k) identify, inform stakeholders of and pursue, as appropriate, funding options and mechanisms to support the sustainable implementation of the marine spatial plan;
- (l) explore and develop in partnership with the Government means of raising and generating revenue or funds to support the Agency's operations;
- (m) review and ensure compliance of environmental impact assessments, licenses or permits affecting the marine area with the marine spatial plan;
- (n) encourage and promote public education, stakeholder communication and outreach; and perform such other functions as may be prescribed.

Preparation of the marine spatial plan

5.(1) For the purposes of section 4(2)(a), the Agency shall prepare the marine spatial plan for Seychelles.

- (2) A marine spatial plan prepared under subsection (1) shall indicate — (a)
 - the use, the state of development and protection status of the seas;
- (b) the classification of the sea use; and
- (c) such other matters as may be prescribed.

- (3) The form and manner for the preparation of a marine spatial plan shall be such as may be prescribed by regulations.

PART III - EXECUTIVE COMMITTEE OF THE AGENCY

Executive Committee of the Agency

6.(1) The Agency shall be administered by an Executive Committee consisting of eight Members appointed by the President in consultation with the Minister, with equal representation from public authorities and registered NGOs with demonstrated expertise and experience in marine spatial planning, marine management or related environmental fields.

(2) The President shall appoint a Chairperson and a Vice- Chairperson of the Executive Committee from among the Members of the Executive Committee.

(3) A person shall not be appointed or remain as a member of the Executive Committee, if the person —

- (a) has been adjudged or declared insolvent or bankrupt and has not been discharged; or
- (b) is mentally or physically incapable of carrying out the functions assigned to such member under this Act; or
- (c) has been convicted, within a period of 3 years prior to the commencement of this Act, of an offence punishable with imprisonment without an option to pay a fine.

(4) The salary and allowances and other terms and conditions of service of the Chairperson, Vice-Chairperson and Members of the Executive Committee shall be such as may be determined in accordance with government policies.

(5) A Member of the Executive Committee shall hold office for such period, not exceeding three years, as the President may specify in the instrument of his or her appointment and shall be eligible for reappointment.

(6) All appointments under this section shall be published in the *Official Gazette*.

(7) A Member of the Executive Committee may at any time resign by a letter addressed to the President and such Member shall cease to be Member of the Executive Committee from the date on which the President accepts the resignation.

(8) Where a Member of the Executive Committee vacates office, the President shall, having regard to subsection (1), appoint a person to replace that Member for the remaining period of the term of office of that Member.

(9) Where the Chairperson, Vice-Chairperson or any Member of the Executive Committee is temporarily unable to perform the functions of his or her office due to ill health, other infirmity, absence from Seychelles or any other cause, the President shall appoint a

person having regard to the provisions of subsection (1) to act in the place of the Chairperson, Vice-Chairperson or member as the case may be.

(10) The Chief Executive Officer shall be an *ex-officio* member of the Executive Committee

Meetings of the Executive Committee

7.(1) The Executive Committee shall meet at least once in every three months or at such times as may be necessary or expedient for the transaction of business and the meetings shall be held at such places and times and on such days as the Chairperson determines.

(2) The Chairperson shall preside at the meetings of the Executive Committee and if, for any reason, he or she is unable to attend any meeting, the Vice-Chairperson shall preside and in the absence of the Chairperson and Vice-Chairperson any other Member elected by the Members present at such meeting shall preside over the meeting of the Executive Committee.

(3) The quorum for the meetings of the Executive Committee shall be five.

(4) The decisions of the Executive Committee shall be made by a simple majority of votes of the Members present and in any case in which the voting is equal, the Member presiding shall have the casting vote.

(5) Where a quorum is present, the validity of any proceeding of the Executive Committee shall not be affected by any vacancy amongst its Members or by any defect in the appointment of Members.

(6) A Member of the Executive Committee who has a direct or indirect interest in any matter to be decided by the Executive Committee shall disclose the nature of the interest at the meeting of the Executive Committee and shall not vote on the matter nor take part in any discussion in respect of that matter.

(7) Subject to the provisions of this Act and regulations made thereunder, the Executive Committee may regulate its own proceedings.

Powers of the Executive Committee

8.(1) The Executive Committee shall have the powers necessary for the proper performance of its administrative functions under this Act.

(2) Notwithstanding subsection (1) the Executive Committee shall have powers to —

- (a) give directions to implementing agencies to give effect to its decisions in respect of the marine spatial plan;
- (b) recommend to implementing agencies the suspension, modification or refusal of activities which are inconsistent with the marine spatial plan;
- (c) recommend to implementing agencies, and provide support for, the

prosecution of cases arising from contraventions of the marine spatial plan;

- (d) oversee the performance of the Chief Executive Officer;
- (e) approve the Agency's budget.

PART IV - EXECUTIVE MANAGEMENT

Chief Executive Officer

9.(1) The President, on the recommendation of the Executive Committee, shall appoint a Chief Executive Officer (hereinafter referred to as the "CEO").

(2) A person shall be ineligible to be appointed or to hold office as the CEO if such person is subject to the disqualifications specified in subsection (3) of section 6.

(3) A person appointed as Chief Executive Officer shall possess appropriate qualifications and experience relevant to the functions of the Agency.

(4) The term of office of the CEO shall be three years and may be reappointed.

(5) The CEO shall be responsible for day-to-day management, implementation of the Executive Committee directions, staff supervision and any other duty assigned to the CEO under this Act.

(6) The salaries, allowances, benefits and other terms and conditions of service of the Chief Executive Officer shall be determined by the Government's remuneration policy.

Deputy Chief Executive Officer

10.(1) There shall be a Deputy Chief Executive Officer of the Agency who shall be appointed by the President on the recommendation of the Executive Committee.

(2) The salaries, allowances, benefits and other terms and conditions of service of the Deputy Chief Executive Officer shall be determined by the Government's remuneration policy.

(3) (a) The Deputy Chief Executive Officer shall act in the office of the Chief Executive Officer —

- (i) during the vacancy in the office of the Chief Executive Officer;
- (ii) during any period in which the Chief Executive Officer is absent from duty for any reason or is unable to perform the functions of that office;

(b) The Deputy Chief Executive Officer shall perform such other functions as the Chief Executive Officer may delegate.

Other officers and staff of the Agency

11.(1) The Agency may employ such other staff as it deems necessary for the implementation of the provisions of this Act.

(2) The Agency may employ such other persons or agents as are necessary for the effective performance of its functions, on such terms and conditions as it deems fit.

(3) The Chairperson may, in consultation with the Executive Committee, appoint a suitable person as Secretary of the Executive Committee.

(4) The Secretary shall be responsible for convening meetings of the Executive Committee, keeping records of meetings and decisions of the Executive Committee, communicating the decisions of the Executive Committee, submitting documents on behalf of the Executive Committee and, when required by the Executive Committee, executing orders of the Executive Committee

(5) Subject to government policies and the approval of the Executive Committee, the CEO may determine the terms and conditions of service of the staff employed under subsection (1) and (2).

PART V – MANAGEMENT COMMITTEE AND SCIENTIFIC COMMITTEE

Management Committee

12.(1) There shall be a Management Committee whose functions shall be to address the practical issues of zone and protected area management in line with its designation and furtherance of overarching marine spatial plan objectives.

(2) The Management Committee shall have oversight, coordination and where appropriate, implementation of the —

- (a) development of standard formats for protected area management plans and reporting;
- (b) development and review of protected area draft management plans with clear measures to support area and marine spatial plan objectives;
- (c) implementation of area or zone management plans and measures;
- (d) realisation of efficiencies, synergies and optimal use of capacities;
- (e) monitoring of management plan implementation; and
- (f) reporting with recommendations on the above to the Executive Committee.

(3) The members of the Management Committee shall be appointed by the Minister in consultation with the Agency —

- (a) from representatives of agencies and organizations responsible for or directly involved in the management and implementation of the marine spatial plan;
 - (b) for a term of three years, and shall be eligible for reappointment the appointments shall be by order published in the *Gazette*.
- (4) The Committee shall regulate its own proceedings subject to the approval of the Executive Committee and the provisions of this Act and regulations made thereunder.
- (5) The CEO shall preside over the meetings of the Management Committee.

Scientific Committee

13.(1) The Agency shall establish a Scientific Committee whose functions shall be to provide scientific guidance and advice to the Management Committee.

(2) The activities of the Scientific Committee shall include — (a) the development of marine spatial plan scientific practices;

- (b) identifying data requirements to support marine spatial plan and crosscutting area management plan objectives;
- (c) identifying data requirements to support priority, area-specific management objectives;
- (d) establishment of criteria for marine spatial plan datasets to facilitate analysis and utility—data formats to be suitable for transfer among Information Technology tools and programmes;
- (e) undertaking peer review of datasets;
- (f) identification of strategic, cross-cutting and key gaps in national knowledge and data for marine spatial plan management;
- (g) development of prioritised management-oriented research agenda; and
- (h) developing and review of model data sharing agreements.

(3) The Scientific Committee, shall regulate its own proceedings subject to the approval of the Executive Committee and the provisions of this Act and regulations made thereunder.

(4) Members of the Scientific Committee shall be appointed on the basis of scientific expertise.

PART VI - FINANCIAL PROVISIONS

Funds of the Agency

14.(1) The funds of the Agency shall consist of —

- (a) such moneys as may be appropriated by the National Assembly pursuant to an Appropriation Act for the purpose of the Agency;
- (b) any moneys received by the Agency from its operations or other payments;
- (c) any moneys received by the Agency from time to time by way of donations, gifts or grants, subject to the approval by the Minister responsible for Finance;
- (d) such fees, levies, trust funds or other financing mechanisms related to marine spatial planning subject to the approval by the Minister responsible for Finance.

(2) The funds of the Agency shall be applied in the discharge of expenses incurred in carrying out the functions of the Agency, the payment of remuneration to the Chairperson, Vice-Chairperson, Members of the Executive Committee, officers and other employees of the Agency and in the repayment of any sum borrowed by the Agency.

Accounts and Audits

15.(1) The financial year of the Agency shall be the calendar year.

(2) The Agency shall keep proper accounts and other relevant records and prepare a statement of accounts in such form as may be approved by the Auditor General.

(3) The accounts of the Agency shall be audited by the Auditor General in accordance with Article 158 of the Constitution.

Annual reports

16.(1) The Agency shall, as soon as possible after the expiration of each financial year and in any event not later than the 31st day of March in any year, submit to the Minister, and the Minister responsible for Finance, an annual report dealing generally with the administration and its activities during the preceding financial year.

(2) The Agency shall within three months of completion of the audit of its account in respect of any financial year, submit to the Minister and the Minister responsible for Finance —

- (a) a copy of its audited statement of accounts;
- (b) a copy of annual report specified under subsection (1) for that financial year together with a copy of the audited statement of accounts and a copy of any report by the Auditor General on the statement of accounts of the Agency.

(3) The Minister shall, within 30 days of receiving the Agency's audited statement of accounts, annual report and the report of the Auditor General on the statement of accounts, specified under subsection (2), cause them to be laid before the National Assembly.

PART VII – MISCELLANEOUS Direction by Minister

17. The Minister may, in writing, give general or special directions to the Agency regarding the performance of its functions under this Act or any other written law administered by it.

Application of certain penal code provisions

18. All members of the Executive Committee and officers of the Agency shall be deemed to be employed in the public service for the purpose of sections 91 to 96 of the Penal Code.

Application of other legal provisions

19. The Agency shall exercise its powers and discharge its functions subject to the provisions of specific legislation vesting powers in the Seychelles Coast Guard, the Seychelles Fisheries Authority, the Seychelles Maritime Safety Authority and the Seychelles Ports Authority.

Protection for action taken in good faith

20. No civil or criminal proceedings shall lie against the Agency, Chairperson, ViceChairperson or Member of the Executive Committee or the officers and other employees of the Agency in respect of an act done or omission made in good faith in the performance of the functions of the Agency, in pursuance of this Act.

Regulations

21. The Minister may, in consultation with the Agency, make regulations for the purpose of carrying into effect the provisions of this Act.

Transfer of staff

22.(1) The Department of Public Administration may, by an order transfer, the required employees from the Ministry to the Agency for its initial functioning.

(2) Such employees transferred under subsection (1) shall continue their employment with the Agency on terms and conditions not less favourable than those subsisting immediately prior to the date of the commencement of this Act, until such terms and conditions are amended, varied or repealed in accordance with the Public Service Orders or any scheme of service applicable to the employees of the Government.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on Tuesday 15th April, 2026.

A handwritten signature in black ink, appearing to read 'T. Isaac', is centered on the page.

Mrs. Tania Isaac
Clerk to the National Assembly