

Sections 12(2) and 40

SI 40 of 1995
SI 108 of 1995**Environment Protection (Designation of Solid Waste Agency) Regulations**

1. These Regulations may be cited as the Environment Protection (Designation of Solid Waste Agency) Regulations.

Citation

2. In these Regulations -

Interpretation.

"Agency" means the Solid Waste and Cleaning Agency established under regulation 4.

"Board" means the Board constituted under these Regulations for the Management of the Agency.

3. The Agency established under regulation 4 is hereby designated as the agency responsible for the management of wastes.

Designation of Agency.

4. There is hereby established an agency to be called the Solid Waste and Cleaning Agency which shall be a body corporate.

Establishment of the Agency.

5.(1) The Agency -

Functions of the Agency.

- (a) shall be responsible for the management of wastes;
- (b) shall designate, monitor and regulate waste disposal sites;
- (c) shall authorise the deposit and discharge of waste at the waste disposal sites designated under paragraph (b);
- (d) shall approve the receptacles and public waste bins in which waste may be placed or collected prior to collection for disposal at the waste disposal sites;
- (e) shall issue instructions as to the manner in which waste may be placed in receptacles or in public waste bins approved under paragraph (d);
- (f) shall designate the location where receptacles or public waste bins may be placed prior to collection for disposal at waste disposal sites;
- (g) shall collect, clean and dispose waste;

- (h) may charge such fee for the collection cleaning and disposal of waste as may be prescribed by the Minister;
- (i) shall authorise and regulate the disposal, transport within or through Seychelles, and the export of hazardous waste;
- (j) shall monitor the contamination and degradation of the environment arising from the operation of any waste disposal site designated under paragraph (b);
- (k) shall monitor the safety and health of workers at waste disposal sites;
- (l) shall maintain the statistical data on the nature, quantity and volume of waste generated, and on sites and waste processing where waste disposal is taking or has taken place;
- (m) may advise the Minister on regulations the Agency may consider it reasonably necessary for carrying out its functions.

(2) The Agency may enter into contracts or agreements with any other persons for the collection, cleaning and disposal of waste and other matters relating thereto.

Management of
the Agency
SI. 108/1995

6.(1) The Agency shall be managed by a Board consisting of-

- (a) a representative of the Ministry responsible for Environment, nominated by the Minister responsible for Environment;
- (b) a representative of the Ministry responsible for Health nominated by the Minister responsible for Health;
- (c) a representative of the Ministry responsible for Tourism nominated by the Minister responsible for Tourism;
- (d) a representative of the Seychelles Chamber of Commerce and Industry nominated by that Chamber; and
- (e) a representative of the Consumers' Association nominated by that Association.

(2) The representative nominated under subregulation (1)(a) shall be the Chairman of the Board.

(3) Where a Minister referred to in subregulation (1) is responsible for more than one subject matter referred to in that subregulation, the representative of that Ministry nominated by that Minister shall represent on the Board all such subject matters.

(4) The Minister shall publish in the Gazette the names of the members of the Board nominated under subregulation (1) and the members shall hold office for a period of 2 years from the date of publication.

(5) In case of a vacancy in the membership of the Board, other than on the expiration of the period of office, the Minister who nominated the member who vacated membership shall nominate another person to fill the vacancy and on the publication in the Gazette of the name of the person so nominated, the person shall hold office for the unexpired period of membership of the member who vacated membership.

(6) The Board shall meet at least once each month and at such other times as the Chairman may determine.

(7) One half of the number of members of the Board shall constitute a quorum for any meeting of the Board.

(8) The Chairman or, in the absence of the Chairman, a member elected by the members present to preside at the meeting shall preside at a meeting of the Board.

(9) Subject to the preceding subregulations, the Board shall regulate its own proceedings.

(10) The members of the Board may be paid such allowances as the Minister may determine.

7.(1) The Minister shall appoint a person to be the Managing Director of the Agency on such terms and conditions as may be applicable to employees of public bodies.

Managing
Director and
other members of
the Agency

(2) Subject to the directions of the Board, the Managing Director-

- (a) shall have supervision over and direction of the day to day affairs of the Agency and shall be its chief executive officer;
- (b) shall perform the functions of Agency;

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

(d) may delegate any of the powers of the Managing Director to any other employee of the Agency.

(3) On appointment under subregulation (1) the Managing Director of the Agency shall be an ex-officio member of the Board.

(4) The Agency may employ such persons as are necessary to assist the Managing Director in the performance of its functions on terms and conditions and according to the procedures applicable to employees of public bodies.

Funds of the
Agency

8.(1) The funds of the Agency shall consist of -

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

(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;

(b) in payment of salaries payable to its staff including the Managing Director and the allowances payable to the members of the Board.

Estimates

9.(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 sub-regulation (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:

Provided that the first financial year of the Agency shall end on 31st December next following the date of publication of these Regulations.

10.(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.

Accounts

(2) The accounts and the statement of accounts of the Agency shall be audited by an auditor appointed by the Minister.

(3) As soon as the accounts are audited under subregulation (2), the Agency shall send 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.
