
Section 4

Environment Protection (Marine Parks Authority) Order

SI. 54 of 1996

1. This Order may be cited as the Environment Protection (Marine Parks Authority) Order.

Citation

2. In this Order -

Interpretation

"Authority" means the Marine Parks Authority constituted under paragraph 3;

"marine parks" means the marine parks designated under the National Parks and Nature Conservancy Act and specified in the Schedule.

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3. There is hereby constituted the Marine Parks Authority which shall be a body corporate.

Marine Parks Authority

4.(1) The Authority -

Functions of the Authority

(a) shall be responsible for the protection and management of the marine parks;

(b) shall carry out the functions of the Seychelles Environment Commission established under the National Parks and Nature Conservancy Act;

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(c) shall manage and direct development of the Ste. Anne Island in an environmentally integrated fashion and invite private investment for projects approved by the Authority and use facilities on that island in an

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environmentally technical or scientific manner for the purposes of the Authority;

- (d) shall, at the request of the Minister, manage and direct development of any other island in the manner specified in sub-subparagraph (c);
- (e) shall carry out such other functions for the conservation of flora and fauna in the marine parks as may be conferred on the Authority by or under any written law;
- (f) may advise the Minister on regulations the Authority may consider reasonably necessary for carrying out its functions.

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(2) The Authority is vested with the powers and duties of the Seychelles Environment Commission for the purposes of carrying out the functions of the Commission under the National Parks and Nature Conservancy Act or any other written law.

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(3) The Authority will pay into the Environment Trust Fund established the Environment Trust Fund Order fees collected by the Authority under the National Parks and Nature Conservancy Act for entry into or use of the marine parks.

(4) Where any matter is under the control and supervision of the Authority, no person or authority shall, subject to paragraph 7, interfere with or act in such matter contrary to or in disregard of the advice of the Authority except with the concurrence of the Cabinet.

(5) On the commencement of this Order the Seychelles National Environment Commission shall cease to exercise the functions conferred on the Authority by subparagraph (1).

Management
of the
Authority

5.(1) The Authority shall be managed by a Board consisting of -

- (a) a representative of each of the Ministries responsible for Environment, Land, Marine Resources and Tourism nominated by the Minister of the relevant Ministry; and
- (b) such number of members as may be appointed by the Minister from among persons who have experience and have demonstrated interest in national parks.

(2) The representative of the Ministry responsible for Environment shall be the Chairperson of the Board.

(3) A member appointed under subparagraph (1)(b) shall hold office for such period as may be determined by the Minister at the time of appointment and is eligible for reappointment.

(4) A member referred to in subparagraph (3) may be paid such allowances as the Minister may determine.

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

(6) The Chairperson or in the absence of the Chairperson any member of the Board elected at the meeting shall preside at any meeting of the Board.

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

(8) Subject to the preceding subparagraphs, the Board shall regulate its own proceedings.

6.(1) The Minister shall, subject to subparagraph (3), appoint a person to be the Managing Director of the Authority on such terms and conditions as may be applicable to employees of public bodies.

Managing
Director and
other
members of
the Authority

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

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

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

(c) shall perform the functions of the Authority.

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

(4) On appointment the Managing Director shall be an ex-officio member of the Authority.

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

Directors of
the Minister

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 in inconsistent with the functions conferred on the Authority under paragraph 4.

Borrowing
powers of the
Authority

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 fulfilment of any guarantee given under any Act 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.

Funds of the
Authority

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

- (a) moneys appropriated by an Appropriation Act and paid to the Authority;
- (b) subject to paragraph 4(3), moneys lawfully charged by the Authority;
- (c) moneys lawfully borrowed by the Authority;
- (d) moneys due on any investment made by the Authority;
- (e) 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 its members and staff.

(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;
- (e) any matter which the Authority deems 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 -

Estimates

- (a) each financial year of the Authority; and
- (b) for any longer period which the Minister acting after consultation with the Minister responsible for finance may from time to time, 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).