

CHAPTER 218

**SEYCHELLES MARKETING BOARD ACT**

*[15th October, 1984]*

Act 8 of 1984

Act 14 of 1985

Act 2 of 1987

Act 11 of 1992

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## PART I - PRELIMINARY

Short title        1. This Act may be cited as the Seychelles Marketing Board Act.

Interpretation    2. In this Act -

"authorized officer" means an officer designated under section 20;

"Board" means the Seychelles Marketing Board established under section 3;

"Chairman" means the chairman of the Council under section 7;

"Council" means the Seychelles Marketing Council established under section 6;

"designated product" means a product or class of products of Seychelles declared to be a designated product under section 10;

"export" means take or cause to be taken out of Seychelles;

"financial year" means the period specified in section 17;

"goods" means movable property and includes designated products and all kinds of wares, merchandise, foodstuffs and animals;

"import" means bring or cause to be brought into Seychelles;

"member" means a member of the Council appointed under section 7(1) (b);

"sell" includes -

- (a) sell by auction;
- (b) offer or attempt to sell;
- (c) expose, display or advertise for sale; and
- (d) exchange.

## **PART II - THE BOARD**

Establishment of the Board 3.(1) There is established, for the purposes of this Act, the Seychelles Marketing Board.

- (2) The Board shall be a body corporate with perpetual succession.

Functions of the Board 4. Subject to this Act, the functions of the Board shall be to -

the Board

- (a) import and export such goods as the Board may determine;
- (b) promote, monitor and regulate the production, processing, collection, handling, storage and distribution of designated products;
- (c) purchase, sell and otherwise trade in goods; and
- (d) provide efficient marketing facilities for designated products at a fair and reasonable price.

Powers of the 5. Subject to this Act, the Board may -

Board

- (a) purchase, take on lease, acquire and hold such movable or immovable property as the Board considers necessary for the performance of its functions;
- (b) exercise all the powers of a natural person in relation to its property;
- (c) enter into contracts in any country in connection with the performance of its functions;
- (d) operate or charter an aircraft or ship;
- (e) regulate and give directions to any person with respect to the conditions relating to the receipt, delivery, purchase, handling, transport, storage and sale of a designated product;
- (f) require a person to furnish such returns and information as the Board thinks fit in such manner and in such form as the Board may specify in respect of the production, processing, collection, handling, storage, sale or distribution of goods;

(g) provide for the licensing of persons and premises in connection with the production, processing, handling, storage, purchase, sale, import or export of goods;

(h) provide facilities for research on the production and marketing of goods;

(i) carry on a business in connection with its functions; and

(j) do any thing which the Board considers necessary for the performance of its functions.

The Council 6. The operations of the Board shall be managed and controlled by the Seychelles Marketing Council hereby established which, subject to this Act, may exercise all the powers of the Board.

Composition of 7.(1) The Council shall consist of -

the Council

(a) the Chairman, who shall be the President or such other person as the President may appoint; and

(b) such other members as the President may appoint.

(2) A member shall hold office for such term and on such conditions as the President may determine.

Proceedings 8.(1) The Council shall meet at such time and at such places as the

of the Chairman may determine.

Council

2/14/1985 (2) Subject to this Act, the Council shall regulate its proceedings as it thinks fit.

(3) (a) Subject to paragraph (b), the Chairman shall preside at all meetings of the Council.

(b) Where the Chairman is absent at a meeting of the Council, that meeting shall be presided by such person as the Chairman may designate.

(4) Questions arising at a meeting of the Council shall be decided by a majority of the votes of the members present and in the event of the equality of votes, the Chairman or the person presiding, shall have a second or casting vote.

(5) All contracts, deeds, directives, instruments, notices, regulations, requests, or other documents shall be deemed to be validly executed by or on behalf of the Board if signed by the Chairman or such other person nominated by him for that purpose.

Staff 9. The Board may employ such staff as may be necessary for the proper discharge of the functions of the Board.

### **\*PART III - DESIGNATED PRODUCTS**

Declaration 10. The President may, by notice published in the *Gazette*, declare  
designated a product of Seychelles to be a designated product.

Purchase of 11.(1) Subject to subsection (2), the Board shall buy all designated  
designated products which -  
products

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\*Part III has been repealed by Act 11 of 1992 with effect from 18th January, 1993.

(a) are offered for sale to the Board;

(b) are delivered -

(i) at such time and place as the Board may direct; and

(ii) in accordance with such instructions as the Board may give.

(2) The Board may refuse to buy designated products which do not comply with criteria prescribed by notices under section 15.

Sale of designated products 12.(1) Subject to subsection (2), no person shall sell a designated product to a person other than the Board.

(2) Notwithstanding subsection (1), the Board may authorize a person to sell a designated product to a person other than the Board.

(3) An authorization under subsection (2) may be given -

(a) to a class of persons generally; and

(b) subject to such conditions and restrictions as the Board may think fit.

Fixing of 13.(1) The Board may, by notice published in such manner as it



prices etc. considers appropriate, prescribe -

of designated

products (a) the price at which the Board shall buy a designated product;

(b) the quantity of designated products which it shall buy during such period as the Board may specify; and

(c) the standards of quality, description, grading and packing of designated products which the Board shall buy.

(2) In a notice published under subsection (1), the Board may make, as respects the cases to which the notice applies, -

(a) the same provision for all the cases, a different provision for different cases or classes of cases, or different provisions for the same case or classes of cases; or

(b) any such provision either unconditionally or subject to any specified condition.

#### **PART IV - FINANCIAL PROVISIONS**

Funds of the Board 14.(1) The funds of the Board shall consist of -

Board

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

(b) moneys derived by the Board from carrying on any business or enterprise or by reason of its shareholding in any company;

(c) moneys borrowed by the Board;

(d) moneys due on any investment made by the Board; and

(e) moneys received by the Board in the performance of its functions.

(2) The Board shall pay all the funds of the Board into an account with such bank as the Council may determine.

(3) No funds paid into a bank under subsection (2) shall be withdrawn from the bank except by an instrument signed by two persons authorized for that purpose by the Chairman.

(4) The funds of the Board may be applied by the Board in payment or discharge of the costs, expenses and other obligations of the Board.

(5) Subject to section 21, moneys of the Board not immediately required for the purposes of the Board may be invested -

(a) on fixed deposit with one, or more than one, bank;

(b) in Government securities; or

(c) in any other manner which the Board thinks fit.

Borrowing by 15.(1) Subject to the approval of the President, the Board may  
the Board borrow money on such terms and conditions as it considers appropriate.

(2) The Minister responsible for Finance may, out of public moneys, make advances to the Board of such amounts and on such terms as he may determine.

Transfer of assets      16.(1) The President may direct that the right or interest of Government in any property shall be transferred to the Board.

(2) Where the President makes a direction under subsection (1), the right or interest shall forthwith vest in the Board.

Estimates      17.(1) For -

(a) each financial year of the Board; and

(b) any longer period which the President may from time to time require,

the Board shall prepare and submit to the President, not later than such date as the President directs, estimates of the income and expenditure of the Board, including its capital budget for the coming financial year or any such longer period.

(2) The financial year of the Board is a period of 12 months beginning each year on 1st January and ending on the 31st December next following.

Accounts and audit      18.(1) The Board shall keep proper accounts and records of all financial and related matters and shall prepare, in respect of each financial year, a statement of accounts in such form as the President may direct.

(2) The accounts of the Board shall be audited by auditors appointed by the President.

(3) As soon as the accounts and statement of accounts of the Board in respect of any financial year have been audited pursuant to subsection (2) the Board shall send to the President 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 Board.

Application of funds 19. Whenever so directed by the President, the Board may credit any of its funds to the Consolidated Fund.

## **PART V - ENFORCEMENT**

Powers of entry, search and examination 20.(1) The Board may designate a member of its staff as an authorized officer for the purposes of this Act.

(2) An authorized officer or a police officer not below the rank of Sergeant may, at any reasonable time, enter and inspect the land or the premises of any person, and -

(a) examine all goods which that person has in his possession;

(b) examine the books, accounts and documents kept by that person in relation to any commercial transaction;

(c) require that person to give such explanation as that person may wish to give in respect of -

(i) goods which he has in his possession; and

(ii) entries or documents which relate to commercial transactions;

(d) seize the books, accounts and documents kept by that person; and

(e) seize such goods as the authorized officer considers necessary.

Immunity 21.No liability, civil or criminal, shall attach to the Board or to a member or authorized officer in respect of an act done or an omission made in good faith in the execution or purported execution of its or his duties under this Act.

Offences and 22.(1) A person who -  
penalties

2/14/1985 (a) obstructs an authorized officer in the exercise of his

3/2/1987 functions under section 20; or

(b) contravenes sections 12(1);

shall commit an offence and shall, on conviction be liable to imprisonment for 2 years and a fine of R.20,000.

(2) Where a person is convicted under subsection (1), the Court shall order that all goods seized under section 20 shall be forfeited to the Board.

## **PART VI - REGULATIONS**

Regulations 23.(1) The Board may make regulations -

(a) for the purposes of this Act;

(b) to regulate the purchase, sale, processing, handling, transport and storage of designated products;

(c) to provide for the registration of such categories of person as the Board thinks fit;

(d) to provide for the forms and issue of permits and other documents required for the purposes of this Act;

(e) to provide for -

(i) the keeping of records, accounts and other documents; and

(ii) the admission of forms and returns,

by such persons as the Board may specify;

(f) to provide for the licensing of persons and premises in connection with the production and sale of designated products; and

(g) to provide for anything which is to be prescribed under this Act.

(2) Regulations made under this Act may provide for the taking of fees and the levying of charges.