

**CONSOLIDATED TO 1 DECEMBER 2014**

**LAWS OF SEYCHELLES**

**CHAPTER 113**

**LICENCES ACT**

*[27th September, 2010]*

Act 23 of 2010

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**PART I – PRELIMINARY**

**Short title**

1. This Act may be cited as the Licences Act.

**Interpretation**

2. (1) In this Act —  
“Appeals Board” means the board appointed under section 19;  
“Authority” means the Licensing Authority established by section 3(1);  
“Board” means the Board of the Authority provided for in section 4;  
“Chairperson” means the Chairperson of the Board appointed under section 4(2);  
“Chief Executive Officer” means the Chief Executive Officer of the Authority appointed under section 5(1);  
“licence” means the permission that a person shall obtain before engaging in a licensable business activity.  
“licensable business activity” means a business activity listed in the Schedule;  
“Member” means a member of the Board and includes the Chairperson;  
“Minister” means the Minister responsible for Finance.

Note: There is no subsection 2(2).

**PART II - SEYCHELLES LICENSING AUTHORITY**

**Establishment of the Authority**

3. (1) There is established for the purposes of this Act the Seychelles

Licensing Authority.

(2) The Authority shall be a body corporate.

### **The Board**

4. (1) The Authority shall be administered by a Board which shall consist of not less than five members appointed by the President by notice published in the Official Gazette for such term and on such conditions as the President may determine.

(2) The President shall appoint one of the members to be the Chairperson of the Board.

### **CEO of the Authority**

5. (1) There shall be a Chief Executive Officer of the Authority appointed by the President for such term and on such conditions as the President may determine.

(2) The Chief Executive Officer has, in addition to such other functions which the Board may from time to time assign to the Chief Executive Officer and, subject to the direction of the Board, the supervision over and direction of the affairs of the Authority.

**Note:** There is no subsection 5(3).

(4) Subject to any direction of the Board and, unless prevented by reasons which appear to be reasonable to the Board, the Chief Executive Officer shall attend and participate in the meetings of the Board but shall have no right to vote at the meetings.

### **Deputy CEO**

6. (1) The President may appoint a Deputy Chief Executive Officer for such term and on such conditions as the President may determine.

(2) The Deputy Chief Executive Officer shall —

(a) discharge the functions of the Chief Executive Officer when the Chief Executive Officer is absent on leave or delegates them to the Deputy Chief Executive Officer; and

(b) perform such other functions as may be assigned to the Chief Executive Officer by the Board.

### **Staff of the Authority**

7. The Authority may, on such terms and conditions as may be determined by the Board, employ such persons as are necessary for the Board to perform its functions.

## **Guiding principles**

8. The Authority shall be guided by the following principles in performing its functions —

(a) The regulation of licensable activities shall aim to set minimum standards relating to such activities and to ensure —

(i) public safety and hygiene;

(ii) national security; and

(iii) environmental protection;

(b) Licence fees will cover the administrative costs relating to issuing licences;

(c) Applications for licences shall be dealt with within 14 days after they are received;

(d) Licences shall be issued on the basis of clearly defined and transparent criteria;

(e) An application shall only be disallowed for sufficient reason and the applicant shall be entitled to appeal against the decision.

## **Functions of the Authority**

9. (1) Where a licence is required under this Act, the Authority may —

(a) grant a licence or renew a licence;

(b) attach or vary conditions of a licence;

(c) subject to subsection (3), suspend a licence; or

(d) in accordance with subsection (7), revoke a licence.

(2) Where the Authority deems it fit to consult any other public authority before exercising its powers under subsection(1), the Authority shall consult such authority.

(3) Notwithstanding subsection (1) (c) —

(a) where any activity, business, trade, profession, premises, animals, goods, vehicles or vessels in respect of which a licence is granted by the Authority is under the control, superintendence or management of another public authority, the Authority may for a breach of any conditions of the licence or for any other reasonable cause suspend the licence for a period not exceeding 60 days where, after giving the holder of the licence an opportunity to show cause, the other public authority is of the opinion that such action is necessary in the interests of such

activity, business, trade, profession, premises, animals, goods, vehicle or vessels, and informs the Authority of such opinion;

(b) where pursuant to a conviction of any person by a court for any offence, the court is empowered by any Act to suspend, cancel or revoke a licence issued by the Authority, the court may temporarily suspend the licence for a period of 21 days and shall inform the Authority of such action.

(4) Where a person complains to the Authority against a licensee the Authority may, where it does not consider the complaint frivolous or vexatious,

(a) inquire into the complaint; and

(b) subject to this Act, take such measures against the licensee as the Authority considers appropriate.

(5) The Authority shall ensure that a licensee complies with the conditions of the licence.

(6) The Authority shall keep a record of all the licences it has granted.

(7) Where the Authority is satisfied upon such enquiry as it may consider necessary, that the holder of a licence—

(a) has furnished false, misleading or inaccurate information or has concealed or failed to disclose a material fact in the application; or

(b) has contravened any written law or any condition of the licence,

the Authority may revoke the licence:

Provided that the decision to revoke the licence shall not take effect within 15 days from the date of the decision, or if an appeal is lodged under section 17, pending the determination of the appeal.

(8) The Authority shall, before it decides under subsection (1) to suspend, revoke or refuse to grant a renewal of a licence, give the holder of the licence an opportunity of showing cause against such action.

### **Powers of the Authority**

10. (1) In the exercise of its functions under this Act, the Authority may —

(a) require any person to furnish any information on any matter relating to a licence;

(b) summon a person to appear before the Authority to answer questions and to produce such documents as the Authority may specify in the summons;

(c) administer an oath to a person appearing before it or allow that person to make an affirmation or declaration;

(d) nominate, appoint or authorise any person or any other public authority to enquire and report on any matter relating to —

- (i) an application for a licence;
- (ii) the alleged breach of a condition of a licence;
- (iii) the renewal, revocation or suspension of a licence;  
or
- (iv) a complaint against a licensee;

(e) where the Authority has reasonable grounds to believe that any activity, business, trade or profession is being engaged in or carried on or any animals, goods, vehicles or vessels are kept, used or possessed or any premises are kept or managed in breach of this Act, and has given the holder of the licence an opportunity to show cause, order —

- (i) the closure of the premises in which such activity, business, trade or profession is engaged in or carried on or which are kept or managed;
- (ii) the seizure of any material, equipment, animals, goods, vehicles or vessels used in connection with the breach;

(f) call for and obtain the assistance of any police officer, public officer or other person, and use such force as may be necessary, in carrying out any order under paragraph (e).

(2) Where in the exercise of the powers of the Authority under subsection (1) (e), any premises have been closed or any material, equipment, animal, goods, vehicle or vessel has been seized and no prosecution in relation to the premises, material, equipment, animal, goods, vehicle or vessel has been instituted within 60 days after the closure or seizure —

- (a) the premises shall be released from closure;
- (b) subject to subsection (3), the material, equipment, animal, goods, vehicle or vessel shall be released to the person from whom they were seized.

(3) Where any goods seized under subsection (2) are of a perishable nature or where the custody of goods or animals seized under that subsection would involve unreasonable expense and inconvenience, the goods or animals may be disposed of in such manner as the Authority thinks fit and —

(a) where no prosecution has been instituted in relation to the goods or animals within 60 days after the seizure, the Authority

shall pay to the person who claims those goods or animals their market value;

(b) where a prosecution has been instituted in relation to the goods or animals within the period of 60 days after the seizure, the Authority shall comply with the order of the court in which the prosecution has been instituted in respect of the goods or animals.

(4) Where in the exercise of its powers under subsection(1) (e) (i) the Authority orders the closure of any premises, the Authority shall affix upon a conspicuous part of the premises a copy of the closure order.

(5) Upon being so affixed such notice shall be deemed to be notice to all persons that the premises are the subject of a closure order.

(6) Save with the permission of the Authority, no person shall enter, open or allow to be kept open any premises at anytime while a closure order is in force in respect of those premises.

### **Powers of the Minister**

11. (1) Subject to subsection (2), the Minister may give the Authority directions of a general character in writing as to the exercise of its functions and powers in relation to matters concerning the public interest and the Authority shall comply with those directions.

(2) In the exercise of the Minister's powers under subsection (1), the Minister shall not give a direction to the Authority with respect to a particular application, licence or case.

### **Meetings of the Board**

12. (1) The Board shall meet at such time and at such place as the Chairperson may determine.

(2) The Chairperson or, in the absence of the Chairperson, any member elected by the members present, shall preside at any meeting of the Board.

(3) Half, or where the Board comprises an odd number of members, half of the members plus one shall constitute a quorum for a meeting of the Board.

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

(5) Subject to this section, the Board shall regulate its own proceedings.

### **Disclosure of interest by members**

13. A member or the Chief Executive Officer attending a meeting of the Board, who has a direct or indirect interest in any matter which falls to be

decided by the Board —

(a) shall disclose the nature of such interest at a meeting of the Board; and

(b) shall not take part in any deliberation or decision in respect of that matter.

### **Delegation of powers**

14. (1) The Board may, subject to such conditions and restrictions as it may impose, delegate to the Chief Executive Officer such of its powers as are necessary to enable the Chief Executive Officer to transact effectively the day-to-day affairs of the Authority.

(2) The Chief Executive Officer may, subject to the approval of the Board, delegate to an officer of the Board, any of the Chief Executive Officer's functions.

### **Funds of the Authority**

15. (1) The funds of the Authority shall consist of money appropriated by an Appropriation Act and paid to the Authority.

(2) The Authority shall apply its funds for the purpose of meeting expenditures incurred by the Authority in the performance of its functions, the payment of emoluments to the members, officers and staff and meeting such other expenses as may be authorised by the Board.

### **Accounts and audit**

16. (1) The Authority shall keep proper accounts of the Authority and records in relation to the accounts and shall prepare, in respect of each financial year of the Authority, a statement of accounts in such form as the Auditor-General may direct.

(2) The accounts and statement of accounts of the Authority shall be audited by the Auditor-General.

(3) As soon as the accounts and statement of accounts of the Authority in respect of any financial year have been audited, the Authority shall furnish to the Minister a copy of the statement together with a copy of any report made by the Auditor-General on that statement or on the accounts of the Authority.

(4) The Authority shall prepare in respect of each financial year of the Authority a report of its activities and submit a copy of the report to the Minister and the Minister shall cause the report to be presented to the National Assembly.

(5) The financial year of the Authority shall be the year ending on 31st December.

## **Appeals**

17. A person aggrieved by any decision of the Authority may submit a notice of appeal in writing to the Appeals Board.

## **Appeals Board**

18. (1) There shall be an Appeals Board to hear and determine appeals against the decisions of the Authority.

(2) The Appeals Board shall consist of the following members appointed by the President —

- (a) a chairperson;
- (b) a representative of the Attorney General;
- (c) a representative of the Fair Trading Commission;
- (d) a representative of a non-governmental organisation that represents the interests of the private sector.

(3) A person appointed as a member of the Appeals Board shall have experience in legal, administrative, economic or financial matters.

(4) A member of the Appeals Board shall be appointed on such terms and conditions as the President may determine.

(5) The Chairperson and other members of the Appeals Board shall hold office for three years and shall be eligible for reappointment.

(6) The President shall at any time terminate the appointment of a member who has been found guilty of —

- (a) any misconduct, default or breach of trust in the discharge of that member's duties; or
- (b) an offence of such nature as renders it desirable that the member's appointment be terminated.

(7) The Appeals Board may regulate its own proceedings.

## **Decision on appeal**

19. The Appeal Board may, where it entertains a notice of appeal, decide the appeal by —

- (a) confirming the decision of the Authority;
- (b) varying the decision;
- (c) quashing the decision;
- (d) ordering the Authority to reconsider the Authority's decision

as directed by the Appeals Board.

### **PART III– LICENCES**

#### **Licences**

20. (1) Notwithstanding anything in any other Act, no person shall —

(a) engage in or carry on any activity, profession, trade or business specified in the Schedule;

(b) keep or manage any premises specified in the Schedule,

except under and in accordance with a licence granted by the Authority.

(2) Regulations may provide for all matters in respect of a licence under subsection (1) including the levy of a fee or other charge in respect of the licence.

(3)\*The regulations presently governing the activities professions, trades and businesses referred to in Part II of the Schedule shall continue to apply until they are amended or replaced by regulations made under this Act.

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Note to subsection 20(3): Clause 3 of SI 32 of 2011 attempted to retrospectively save a number of statutory instruments by adding them to the Schedule, contrary to section 29(2) of Cap 103 (Interpretation and General Provisions Act). Those instruments did not appear in the Schedule at the time Act 23 of 2010 was gazetted and were not therefore saved by section 20(3). They have not accordingly been included in this version of the Act. The relevant instruments are as follows:

- Licences (Broadcasting and Telecommunications) Regulations, 1988
- Licences (Complimentary Health Care Services) Regulations, 2004
- Licences (Professional Services) Regulations, 1996
- Licences (Fisheries) Regulations, 1987
- Licences (Employment Agency) Regulations, 1995
- Licences (Pig Breeding) Regulations, 1987
- Licences (Poultry Keeper) Regulations, 1987
- Licences (Coco De Mer Dealers) Regulations, 1987
- Licences (Building and Maintenance Contractor) Regulations, 1999
- Licences (Ship Chandler) Regulations, 1993
- Licences (Shipping Agents) Regulations, 2000
- Licences (Newspaper Publisher and Printer) Regulations, 1987
- Licences (Tourist Guide) Regulations, 1996
- Licences (Tour Operator and Travel Agent) Regulations, 1987
- Licences (Betting) Regulations, 1994
- Licences (Motor Vehicle Dealers) Regulations, 1996

(4) Where, for any purpose specified in another Act, a licence is required

under that other Act, it may be provided by or under that Act that this Act shall apply to such licence and, notwithstanding anything to the contrary in that other Act, the Authority may exercise its functions and powers in respect of such licence as if it were a licence required under this Act.

### **Application for licence**

21. (1) An application for a licence shall be made to the Authority and shall contain such particulars as may be prescribed.

(2) The Authority may, in writing, direct —

(a) a person who is required by this Act to hold a licence to apply for a licence not later than a date specified in the direction;

(b) an applicant for a licence to furnish such particulars as the Authority may consider necessary,

and such person or applicant, as the case may be, shall comply with the direction.

### **Payment of licence fee**

22. (1) Where a licence under this Act is granted —

(a) for a period of one year, the licence fee for that year shall, subject to paragraph (c), be paid before the grant of the licence;

(b) for a period in excess of one year —

(i) the licence fee for the whole period may be paid before the grant of the licence;

(ii) the licence fee for the first year of the period shall, subject to paragraph (c), be paid before the grant of the licence; and

(iii) the licence fee for each year subsequent to the first year shall, subject to paragraph (c), be paid on or before the beginning of each subsequent year;

(c) the Authority may permit the holder of the licence to pay the licence fee in such instalments as may be determined by the Authority.

(2) Where the holder of a licence fails to pay the licence fee or any instalment thereof in accordance with subsection (1), the licence shall cease to be valid on the date the fee or the instalment of the fee is due, without prejudice to the right of the Authority to recover the fee or instalment due on the date the licence ceased to be valid.

### **Powers of entry**

23. (1) The Authority may authorise an officer of the Authority to exercise any of the powers pursuant to subsection(2).

(2) An officer so authorised may, where the officer has reason to believe that an offence under this Act has been, or is being, committed —

- (a) enter and search any premises, vehicle or vessel;
- (b) call for and examine any licence, book or other document;
- (c) take copies of or extracts from any book or document or any entry of the book or document.

(3) An officer shall, if so requested, produce the officer's Authority to exercise powers under this section.

### **Offences**

24. (1) Any person who without lawful authority or reasonable excuse communicates to another person information which the person has acquired while acting as a member, officer, employee or agent of the Authority is guilty of an offence.

(2) Any person who without lawful authority or reasonable excuse —

- (a) wilfully fails to furnish any information when required by the Authority to do so;
- (b) wilfully fails to comply with a summons issued or an order made by the Authority;
- (c) wilfully fails to answer a question put to the person by a member in the course of proceedings of the Authority held under this Act;
- (d) knowingly gives false evidence before the Authority;
- (e) wilfully obstructs a member, officer, employee or agent of the Authority exercising functions under this Act; or
- (f) acts in contempt of the Authority,

is guilty of an offence.

(3) A person who in any application for a licence under this Act or pursuant to any requirement under section 10(1)(a) or 24(2) makes any statement which the person knows to be false in a material particular is guilty of an offence.

(4) A person who contravenes section 20(1) or, when directed by the Authority, contravenes section 21(2) or contravenes any condition of a licence or contravenes any regulation is guilty of an offence:

Provided that, where a person is charged with contravening section 20(1), the burden of proving that the person is the holder of a licence shall be on that person.

(5) Any person who without reasonable excuse enters, opens or allows to remain open any premises in respect of which a closure order is in force is guilty of an offence.

(6) Any person who removes or otherwise tampers with a closure notice shall be guilty of an offence.

(7) Any person who without a valid licence solicits, advertises, invites or offers for hire or rent any licensable services for a fee is guilty of an offence.

### **Penalties**

25. Any person who is guilty of an offence under this Act shall on conviction be liable —

(a) subject to paragraph (c), in the case of an offence under section 24(4), to a fine of not less than R5,000 and not exceeding R50,000;

(b) in the case of an offence under section 24(1),(2), (5), (6) or (7), to a fine or R50,000 and to imprisonment for 5 years;

(c) in the case of an offence constituted by the selling of lapire or baka otherwise than under a licence issued in that behalf, to a fine of not less than R8000.

### **Revocation of licence upon convictions**

26. The Board may revoke a licence where the holder of a licence granted by the Board —

(a) is convicted of an offence under this Act; or

(b) is convicted of an offence under any other law which disqualifies the person upon conviction from holding the licence or which allows on conviction the revocation of the licence.

### **Compounding of offences**

27. (1) If the Chief Executive Officer is satisfied that a person has committed an offence against this Act and if that person admits that fact and agrees in writing to the matter being dealt with under this section the Chief Executive Officer may—

(a) compound such offence by accepting from such person a sum of money not exceeding the maximum fine specified for that offence; and

(b) deal with the sum of money received under this section as

though it were a fine imposed by the court.

(2) In any proceedings brought against any person for an offence against this Act, it shall be a good defence if the person proves that the offence has been compounded under this section.

### **Regulations**

28. (1) The Minister may make regulations for carrying into effect the principles and provisions of this Act.

(2) The Minister may by regulations amend the Schedule.

### **Transfer of assets and liabilities**

29. The movable and immovable property vested in and managed by, and the assets, rights, privileges, liabilities and obligations of, the Seychelles Licensing Authority constituted under the Licences Act 1986 shall stand transferred to the Authority established by this Act upon the coming into operation of this Act.

### **Repeal**

30. (1) The Licences Act, 1986 is repealed.

(2) Notwithstanding subsection (1), any licence granted under that Act and in force on the day immediately prior to the date of coming into operation of this Act shall, unless earlier revoked, continue in force for the period for which the licence was granted.

(3) The Authority may exercise any of its functions and powers under this Act in respect of such a licence as if it were a licence granted under this Act.

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## **SCHEDULE**

### **PART I**

1. Keeping a Cafe;
2. Providing Catering Services;
3. Keeping a Hotel;
4. Keeping a Restaurant;
5. Keeping a Self-Catering Establishment
6. Keeping a Guesthouse;
7. Keeping a Discotheque;
8. Engaging in a Take-away Business;
9. A Bottler's Licence;

10. Off-Liquor Licence;
11. Public Bar;
12. Members Club Licence;
13. Lapire/Baka Licence
14. Dive Centre
15. Dive Operator
16. Hairdresser
17. Beautician
18. Labour Contractor
19. Garage Operator;
20. Importation and Distribution of Pesticides;
21. Import/Wholesale/Retail
22. Hirer of self-drive Public Omnibus
23. Storage and Retail of Petroleum Products
24. Operator of Casino
25. Licensing of Drivers
26. Registration
27. Use of Vehicles on Public Roads

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**PART II\***

Licences (Accommodation, Catering and Entertainment Establishment Regulations, 2001

Licences (Manufacturing) Regulations, 1999

Licences (Liquor and Out-Door Entertainment) Regulations, 1998

Licences (Diving Business) Regulations, 1991

Licences (Miscellaneous Services) Regulations, 2000

Licences (Trades) Regulations, 1987, amended in 1992

Licences (Petroleum Storage and Sale) Regulations, 1987

Licences (Casino) Regulations, 1987 amended 1994

Licences (Gaming Machines) Regulations, 1994

Licences (Game of Chance) Regulations, 1994

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Notes to Part II of the Schedule:

1. See the note to section 20(3) above. Regulations that were not saved by Act 23 of 2010 cannot be retrospectively revived by statutory instruments. Part II of the Schedule has not accordingly been amended to include the 16 repealed statutory instruments that clause 3 of SI 32 of 2011 attempted to revive.

2. The following two statutory instruments have also not been included in this version of the Act, as they (a) seek to amend statutory instruments that were repealed by Act 23 of 2010 and (b) do not relate to licensable activities under Part I of the Schedule to the Act:

- SI 16 of 2010 - Licences (Road Transport) Amendment Regulations, 2010
- SI 57 of 2010 - Licences (Omnibus) Amendment

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**LAWS OF SEYCHELLES**

**CHAPTER 113**

**LICENCES ACT**

**SUBSIDIARY LEGISLATION: LICENCES (MANUFACTURING)  
REGULATIONS**

*[9th August, 1999]*

SI.36 of 1999  
SI. 16 of 2000  
SI. 65 of 2011

1. These Regulations may be cited as the Licences (Manufacturing) Regulations.

2. In these Regulations -

"manufacturing" means making goods or articles by subjecting physical matter to any process which materially changes it in substance, character or appearance, or assembling components into finished products, or bottling mineral water or natural water, for export sale or reward;

"goods" includes food and beverages.

3. (1) Subject to subregulation (2) no person shall engage in the business or manufacturing unless the person holds a licence under these Regulations.

(2) A person who holds a licence to carry on any activity, profession, trade or business involving the manufacture of goods or articles, under any other Regulations made under the Act shall not require a licence under these Regulations to carry on the activity, profession, trade or business specified in the first mentioned licence.

4. (1) A person shall before applying for a manufacturing licence, submit to the Ministry responsible for Industries a memorandum setting out in detail the nature of the manufacturing business the applicant intends to engage in, and obtain its approval for the business.

(2) An application for a manufacturing licence shall be in the Form provided by the Authority and shall be accompanied by the relevant fees set out in Schedule I.

(3) Where an application is refused, the Authority shall refund the licence fee and the surcharge, if any, to the applicant.

(4) Subregulation (1) shall not apply to a person manufacturing foodstuff on a small scale and referred to in regulation 13, or to a person operating a furniture workshop not involving assembling of imported timber as furniture.

5. An application for a licence shall be accompanied by the following documents –

(a) in the case of an individual applying for a licence, documentary proof to the satisfaction of the Authority that the applicant has the education, competence, skill or experience required of a holder of the licence;

(b) in the case of a firm, documentary proof of the education, competence, skill or experience referred to in paragraph (a) in respect of each of the partners of the firm;

(c) in the case of a corporate body,

(i) copies of the certificate of incorporation and memorandum of association;

(ii) documentary proof to the satisfaction of the Authority that the applicant has in its employment persons including the manager possessing the required education, competence, skill or experience;

(d) where an applicant intends to manufacture goods or articles under an authority given by a foreign person, an authorised dealer certificate or other permission from such person;

(e) proof that the applicant has the original manufacturer's warranty for a period of 12 months and that after sales service and parts for a period of 5 years are to be provided by the original manufacturer;

(f) documentary proof that the applicant is the owner or

lessee of the premises to be used for manufacturing;

(g) where the premises referred to in paragraph (f) is new or has been renovated -

(i) planning approval and certificate of occupancy that the premises comply with all the planning requirements under the Laws of Seychelles;

(ii) a certificate from the person in charge of the Fire Services Agency that the premises comply with the planning requirements relating to fire protection under the Laws of Seychelles;

(h) the letter of approval of the Ministry responsible for Industries, referred to in regulation 4(1);

(i) a signed statement of the estimated gross turnover for the first year of manufacturing after the grant or renewal of licence.

6. The Authority shall not grant a licence to –

(a) an individual who

(i) is less than 18 years old;

(ii) is an undischarged bankrupt; or

(iii) has been convicted of an offence involving dishonesty;

(b) a firm if any of its partners is disqualified from obtaining a licence under paragraph (a) or if the firm does not have a place of business in Seychelles;

(c) a company which is not incorporated in Seychelles or is not registered as an overseas company under the Companies Act;

7. Before granting a licence, the Authority shall consult -

(a) the Ministry responsible for Industries in the case of manufacturing of electrical, electronic and industrial goods or articles;

(b) the Department responsible for Public Health as to whether the premises comply with all health requirements under the law of Seychelles;

(c) the Seychelles Bureau of Standards as to whether the goods or articles to be manufactured require compliance with any relevant standard specification or code of practice.

(d) Subregulation (a) and (c) shall not apply to small scale manufacturers of food products set out under Regulation 13.

8. (1) A holder of a licence to manufacture food or beverages shall –

(i) comply with the provisions of the Food Act and regulations made under that Act;

(ii) ensure that the premises shall at all times be kept clean and in a hygienic condition.

(2) Every licence holder shall comply with any mandatory specification of the Seychelles Bureau of Standards relating to the manufacture of goods or articles.

(3) A licence holder shall ensure that the manufacturing activity does not cause nuisance by reason of noise, smell, dirt or fumes, to the properties and their occupiers in the neighbourhood.

(4) A manufacturer of electrical and electronic products under a licence shall –

(i) carry on the manufacture at least for a period of five years and ensure that spare parts are available;

(ii) provide a warranty of a minimum of twelve months and furnish a copy of the warranty to the Authority.

(5) In the case of manufacturing and processing of liquor, tobacco and tobacco products, the licence holder shall –

(i) not deliver or sell liquor to, or allow any consumption of liquor by, any person under the age of 18 years or deliver or sell tobacco or tobacco products or allow it to be used on the premises by such a person;

(ii) not employ any person under the age of 18 on the business premises.

(6) A licence holder shall –

(i) ensure that the relevant premises comply with all occupational safety requirements under the Laws of Seychelles;

(ii) make arrangements with the Land Waste Management Agency (LWMA) or a licensed refuse collector for the disposal of refuse from the premises; and

(iii) keep the premises clean at all times and maintain it in good order and repair.

(7) The licence holder shall comply with any reasonable written request of the Ministry responsible for Industries for information on the business relating to its size, raw materials used or to be used, skills of personnel employed, type of equipment and source of funding.

Notwithstanding the Licences (Trade) Regulations, the holder of a licence under these regulations may import raw material or products and components for assembly and sell on the premises any goods or articles manufactured under the licence.

10. The Authority may, in the interest of an existing manufacturing business or a sector of the Industry limit the number of licences for such period of time as the Authority may deem necessary.

11. The holder of a licence shall display the licence at a conspicuous place at his principal place of business.

12. (1) The Authority may on an application, grant a licence for a period of years or 10 years as the case may be.

(2) A licence may, with the approval of the Authority and subject to such conditions as the Authority may impose, be transferred to another person.

13. Where the application is in respect of small scale manufacturing of food products and the annual gross turnover does not exceed SCR100,000, the Authority shall require the applicant to pay an administrative fee of SCR500.

14. (1) The Authority may suspend, revoke, or refuse to renew a licence to manufacture where it has reasonable grounds to believe that the holder of the licence –

(a) has made any misrepresentation or failed to disclose any material fact in applying for the licence and thereby influenced the Authority to grant the licence;

(b) has acted in contravention of the Act or these Regulations;

(c) has contravened any conditions of a licence;

(d) is incapable of carrying on the business of manufacturing as authorised by the licence;

(e) having obtained a licence, has not carried on the business of manufacturing for a continuous period of 6 months;

(f) the manager or any of the directors of the licence holder has been convicted of an offence involving dishonesty, fraud or moral turpitude;

(g) the goods or articles manufactured are of poor quality and despite warnings the licence holder has failed to remedy matters.

(2) Where the Authority suspends, revokes or refuses renewal of a licence, the Authority shall give the holder of the licence or applicant an opportunity of making representations and, having considered such representations, inform its decision to the holder or the applicant as the case may be.

(3) Where a licence is suspended or revoked, the holder of the licence shall cease to carry on the licensed activity whether an appeal against the suspension or revocation of the licence has been preferred or not.

15. A person, who was the holder of a licence under Licences (Manufacturing) Regulations (Cap 113 Sub.Leg P.33) or under these Regulations and applies, after the expiration of the licence, for a licence under these Regulations shall, unless the Authority is satisfied that the person had, during the period between the expiration of the previous licence and the application for new licence, ceased manufacturing, be liable in addition to the licence fee and any other penalty under the Act, to a surcharge equal to 10% of the licence fee for each month or part of a month constituting that period.

16. Any licence granted under the Licences (Manufacturing) Regulations and in force on the commencement of these Regulations shall continue in force for the period of validity of the licence.

17. Where there is any change in the management or ownership of a business in respect of which a licence has been granted the holder of the licence shall notify the Authority in writing of the particulars of such change within ten days of its occurrence.

18. (1) Any person authorised by the Authority or a police officer not below the rank of sergeant may, at any time, enter a licensed premises or a building or place reasonably suspected of being used for manufacturing goods or articles for the purpose of ensuring compliance with these Regulations and may make such search and inspection as may be necessary.

(2) Without prejudice to the generality of the power referred to in subregulation (1), any such person or officer may -

- (a) inspect the building and all parts thereof and the facilities for manufacturing and sanitation;
- (b) question the holder of the licence and any employee.

19. The Licences (Manufacturing) Regulations are repealed.

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#### SCHEDULE - FEE

*Reg. 4(2)*

Licence fee	Fee 5 years	10 years
	SCR	SCR

where the projected annual turnover of the manufacturing enterprise		
(a) Exceeds SCR100,000	1,200	2,400
(b) Exceeds SCR100,000 but does not exceed SCR500,000	1,400	2,800
(c) Exceeds SCR500,000	2,000	4,000

**SUBSIDIARY LEGISLATION: LICENCES (LIQUOR AND OUTDOOR ENTERTAINMENT) REGULATIONS**

*[31<sup>st</sup> August, 1998]*

SI.54 of 1998  
SI. 26 of 2013  
SI. 84 of 2013

1. These Regulations may be cited as the Licences (Liquor and Outdoor Entertainment) Regulations.

2. In these Regulations unless the context otherwise requires -

"baka" means any liquor, whether fermented or not, made from pure juice of sugar cane, except by process of distillation;

"licence" means-

- (i) a bottler's licence;
- (ii) an off-licence;
- (iii) a public bar licence;
- (iv) a members' club liquor licence;
- (v) a baka licence;
- (vi) a toddy bar licence;
- (vii) a lapire licence;
- (viii) a temporary licence; or
- (ix) an outdoor entertainment licence,

granted under these Regulations;

"lapire" means any fermented liquor from either the juice, macecretion or decoction of any fruit, vegetable, plant, cereal, pulse or any other food stuff and includes any other beverage subject to fermentation except

toddy, baka, beer, imported liquor and any other liquid subject to fermentation, which the Minister responsible for Finance may from time to time by notice in the Gazette declare to be lapire for the purpose of these Regulations;

"liquor" means any spirit, wine, ale, porter, cider, perry, hop beer, baka, lapire, toddy or any liquor containing more than two per centum by weight of alcohol or any liquor containing more than one percentum of alcohol, Gay Lussac, or any other liquor which the Minister responsible for Finance may, by notice in the Gazette declare to be a liquor for the purpose of these Regulations;

"off-licence" means a licence to sell liquor to be consumed elsewhere than on the premises where the liquor is sold;

"temporary licence" means a licence to sell liquor on the occasion, at the place, on the day and during the time specified in the licence;

"toddy" means any liquor, fermented or unfermented, made from juice drawn from a coconut tree;

"outdoor entertainment licence" means a licence to organise or promote in any open place to which the public is admitted with or without payment of money or other consideration, the following outdoor entertainment activities :

- (i) fairs,
- (ii) fun fairs,
- (iii) fancy fairs,
- (iv) parish fetes,
- (v) amusement parks,
- (vi) musical shows, concerts or performances
- (vii) trade fairs consisting of exhibition, advertisement or sale of the products of industries or of other materials;
- (viii) festivals,
- (ix) any other outdoor entertainment specified by the Minister by Order published in the Gazette;

"premises" means the premises where the licensee is licensed to operate or carry on the activities licensed under Regulation 3, including any premises adjoining or near such premises, if belonging to the licensee or leased to him or under his control or used by his permission.

3. (1) No person shall engage in or carry on the sale of liquor or organise or promote an outdoor entertainment except under and in accordance with a licence.

(2) Where a person is in possession of more than 20 litres of baka or lapire or more than 8 litres of toddy, that person shall be presumed, unless that person proves otherwise, to be engaged in the sale of liquor.

(3) For the purpose of calculating the amount of baka or toddy possessed by a person under subregulation (2), all the members of a household including the servants on the premises shall be treated as one person and the householder shall be deemed to be the person in possession of the baka, lapire or toddy found on the premises.

(4) The selling of toddy by any person to the holder of a toddy bar licence shall not amount to sale of liquor for the purpose of this Regulation.

4. An application for a licence shall be in the form provided by the Authority.

5. (1) An application for a licence shall be accompanied by the fees specified in Schedule A and documents specified in Schedule B.

(2) When an application is refused the Authority shall refund to the applicant the licence fee and the surcharge, if any.

(3) Where the holder of an outdoor entertainment licence has complied with regulation 14 (10) to the satisfaction of the Authority, the Authority shall refund to the holder the deposit made by the holder. Where the holder has failed to so comply, the Authority shall forfeit the deposit.

6. The Authority shall not grant a licence –

(a) other than a bottler's licence or an off-licence to a firm or body corporate,

(b) to an individual who –

(i) is less than 21 years old;

(ii) is an undischarged bankrupt;

(iii) has within the five years preceding the date of the application, been convicted of an offence involving dishonesty or immorality;

(iv) is not of good character and not a fit and proper person to hold a licence;

(c) in the case of a firm applying for an off-licence or bottler's licence, if any of the partners of the firm is an individual referred to in paragraph (b);

(d) in the case of a company applying for an off-licence or bottler's licence, if any of its directors or managers has been convicted of an offence involving dishonesty within the 5 years preceding the date of application ;

(e) where the manager of a corporate body is an individual referred to in paragraph (b).

7. Before granting a licence other than a temporary liquor or off-licence, the Authority shall consult –

(a) the Commissioner of Police;

(b) in the case of a baka licence and bottler's licence the Ministry responsible for Health as to whether the premises where the licence holder will carry on his activities under the licence comply with the laws of Seychelles pertaining to Health.

8. (1) The Authority shall before considering an application for a licence other than a temporary licence and lapire licence require an applicant to publish a notice in a national newspaper within such time and containing such particulars of the application as the Authority may specify.

(2) Any person may lodge an objection in writing in the Form set out in Schedule C within seven days of the publication of a notice under subregulation (1) and the Authority shall, when considering the application, take into account the merits of any objection.

9. (1) Notwithstanding the Licences (Trade) Regulations, and subject to these Regulations –

(a) a bottler's licence shall authorise the holder of the licence to bottle liquor, other than baka, toddy or lapire, on the premises specified in the licence and to sell liquor bottled by the holder of the licence on such conditions as the Authority may impose;

(b) an off-licence shall authorise the holder of the licence to sell liquor, other than baka, toddy or lapire in a container which is securely corked or stoppered to any person –

(i) in respect of premises situate at the Seychelles International Airport, on such days and at such times as the Ministry responsible for Civil Aviation may from time to time determine; and

(ii) in respect of any other premises, on any day and at any hour except on such hour in which the premises are required by any written law to be kept closed for the serving of customers,

for consumption elsewhere than on the premises specified in the licence;

(c) a public bar licence shall authorise the holder of the licence to sell liquor, other than baka, toddy or lapire to any person –

(i) in respect of premises situate at the Seychelles

International Airport, on such days and at such times as the Ministry responsible for Civil Aviation may from time to time determine;

(ii) in respect of any other premises, on any day at any hour

for consumption on the premises of the bar;

(d) a members' club liquor licence shall authorise the holder of the licence to sell liquor, other than baka, toddy or lapire to the members of the club on any day at any hour for consumption on the premises of the club;

(e) a baka licence shall authorise the holder of the licence to manufacture and sell only baka to any person on any day at any hour for consumption on the premises where the baka is sold or elsewhere provided the baka is placed in a container which is securely corked or stoppered;

(f) a lapire licence shall authorise the holder of the licence to manufacture and sell only lapire to any person on any day at any hour for consumption on the premises where the lapire is sold or elsewhere provided the lapire is placed in a container which is securely corked or stoppered;

(g) a toddy bar licence shall authorise the holder to sell only toddy to any person on any day at any hour for consumption on the premises where the toddy is sold or elsewhere provided the toddy is placed in a container which is securely corked or stoppered;

(h) a temporary liquor licence shall only authorise the holder of the licence to sell liquor including baka, lapire or toddy in accordance with the conditions specified in the licence.

(2) Notwithstanding the Licence (Trade) Regulations, the holder of an off-licence, a public bar licence, a members' club licence and a baka, lapire or toddy bar licence is also authorised to sell cigars, cigarettes, tobacco and matches on the premises specified in the licence on any day at any hour the licence holder is authorised to sell liquor.

10. (1) A licence, other than a temporary licence or outdoor entertainment licence, shall be valid for 12 months from the date of grant unless earlier revoked by the Authority and is, subject to subregulation (3), not transferable.

(2) A temporary licence or outdoor entertainment licence shall be valid for the period specified in the licence.

(3) The Authority may, on the death of the holder of a licence or on any other ground which the Authority may deem fit, authorise any other person to continue to carry on the activities under the licence on the premises specified in

the licence for any period for which the licence remains valid.

11. (1) The holder of a licence may at any time during the currency of the licence apply, in writing, to the Authority for permission to transfer the activities under the licence to another premises and the Authority may, on being satisfied that the holder of the licence is the owner or the lessee of the other premises and has complied with regulation 8, allow, subject to such conditions as it thinks fit, or refuse, the transfer.

(2) The holder of a licence applying for the transfer under subregulation (1) shall pay the fee set out in Schedule A in respect of permission to transfer.

12. The holder of the licence shall display the licence at a conspicuous place on the premises specified in the licence.

13. (1) Where there is any change in management or ownership of the business of the holder of a licence other than a temporary licence, the holder, in the case of a bottler's and off-liquor licence, shall notify the Authority in writing of all the particulars of such change within ten days of the occurrence of such change.

(2) In the case of a change of ownership of the premises in respect of which a public bar, members' club liquor, baka and lapire licences or toddy bar licence has been granted the new owner of the premises shall apply for the licence under Regulations 4 and 5.

14. (1) The holder of a licence, his servant or agent shall not –

(a) employ or allow a person under the age of 18 years, or a person who has been convicted of an offence under the Act or other written law at any time in force regulating or controlling the sale of liquor, to sell, or control or supervise the sale of, liquor or to have the custody or control of liquor on the premises specified in the licence;

(b) sell or deliver liquor, cigarettes or tobacco products to, or allow liquor to be consumed or cigarettes or any tobacco products to be used by any person under the age of 18 years on the premises;

(c) sell liquor to a person already in a state of intoxication;

(d) encourage or incite, by any means whatsoever, a person already in a state of intoxication to drink liquor on the premises specified in the licence;

(e) permit any drunkenness, violence, drug abuse or any quarrelsome or riotous conduct of any kind to take place on the premises specified in the licence;

(f) keep open the premises specified in the licence for the sale of liquor or sell or expose for sale any liquor during any time when

the licence holder is not authorised under the licence to sell liquor;

(g) allow any liquor to be consumed on the premises specified in the licence during any time when he is not authorised under the licence to sell liquor;

(h) adulterate any liquor which the licence holder intends to sell, or have in the licence holder's possession adulterated liquor;

(i) admit any person under the age of 18 years to a premises licensed as a public bar, toddy bar or at the premises licensed to manufacture and sell baka or lapire;

(j) dilute any liquor in the course of the lawful use other than of a bottler's licence or in the case of lapire;

(k) operate or use the premises for any purpose other than the purpose for which it is licensed.

(2) The holder of an outdoor entertainment licence shall, in addition to the conditions specified in subregulation (1) –

(a) not permit any obscene entertainment as the outdoor entertainment activity;

(b) ensure that the persons participating at any entertainment as performers are decently dressed;

(c) where it is practicable, provide toilet facilities at the place of the outdoor entertainment activity;

(d) subject to subregulation (1), sell, or serve alcoholic or nonalcoholic beverages in plastic cups.

(3) (i) There shall not be any sale of liquor by holder of a licence set out in Schedule D outside the hour of sale on the days specified below –

Monday	-	11.30 am to 9.00 pm;
Tuesday	-	11.30 am to 9.00 pm;
Wednesday	-	11.30 am to 9.00 pm;
Thursday	-	11.30 am to 9.00 pm;
Friday	-	11.30 am to 11.00 pm;
Saturday	-	08.30 am to 11.00 pm;
Sunday	-	08.30 am to 9.00 pm;

(ii) for the purpose of these regulations, all public holidays shall be treated as Sundays, except on consecutive public holidays

where the hours of sale on the day preceding the last public holiday shall be 8.30 am to 11.00 pm;

(iii) where a person in a licenced premises is found in possession of liquor outside the hours of sale set out in subregulation (i) it shall be presumed, until the contrary is proved, that the liquor had been sold and delivered to that person by and with the knowledge of the licensee.

Subregulation 14(3) inserted by SI 26 of 2013 with effect from 15 March 2013; numbering of existing subregulations 14(3) to (12) adjusted accordingly.

(4) The holder of a licence shall be answerable for the acts and omissions of his servant or agent and if his servant or agent commits an offence under this Act the holder of the licence and his servant or agent shall be liable to the penalties under the Act and the Authority may revoke the licence unless the holder of the licence proves to the satisfaction of the court or the Authority, as the case may be, that he used due diligence to comply with these Regulations and that the offence was committed without his knowledge, consent or connivance.

(5) The holder of a licence to operate a public bar shall clearly and conspicuously display on the premises a list of prices of drinks on sale.

(6) The holder of a licence shall ensure that order is maintained on the premises and shall take all precautions including the employment of suitable persons to prevent a breach of peace.

(7) The holder of a licence other than an off-licence or bottler's licence shall personally manage the premises in respect of which the licence is granted unless otherwise authorised in writing by the Authority.

(8) The holder of a licence shall not operate any premises unless the premises is licensed for the purpose under these Regulations.

(9) The business of manufacturing and selling baka and lapire and operating a toddy bar shall be carried on at a location approved by the Authority so as not to cause inconvenience or annoyance to neighbours and to be at a reasonable distance from a church, school, or health centre.

(10) The holder of a licence to operate a public bar, baka or lapire licence or toddy bar licence shall comply with the requirements relating to hygiene as laid down by the Ministry responsible for Health.

(11) The holder of an outdoor entertainment licence shall –

(a) provide such number of bins as specified in the licence for the deposit and collection of dirt, rubbish or refuse at the place for which the licence is granted;

(b) collect and dispose of to the satisfaction of the Authority and within 24 hours after the completion of the occasion for which the licence was granted, the dirt, rubbish or refuse thrown, deposited or placed on that occasion at the place for which the licence was granted.

(12) The holder of a licence to operate a public bar, members' club liquor licence, bottler's licence, toddy bar licence, baka and lapire licences or off-licence shall ensure that the premises is kept clean at all times and is maintained to the satisfaction of the Ministry responsible for Health and that the premises is maintained at all times in good order and repair.

(13) The holder of an off-licence or his servant shall not permit the consumption of liquor on the premises. Where a person is found consuming liquor on the premise it shall be presumed, unless proved otherwise by the licensee, that the liquor was sold by him or his servant to be consumed on the premises; and a person who is found on such licensed premises with a container including a bottle or can which has been opened shall be presumed to be consuming liquor.

15. (1) Without prejudice to any other right to refuse admission to or expel a person from the premises specified in the licence, the holder of a licence, his servant or agent shall refuse to admit, and expel from the premises any person-

(a) who is drunk, quarrelsome or disorderly;

(b) whose presence on the premises would subject the holder of the licence, his servant or agent to a penalty under the Regulations or any other written law;

(c) who is prohibited by a notice under sub- regulation (3) from entering the premises.

(2) A Police Officer may, on the demand of the holder of a licence, his servant or agent, expel or help to expel from the premises any person whom the holder of a licence, his servant or agent has refused admission to, or expelled from, the premises.

(3) The Commissioner of Police may issue a notice to a person who, in his opinion, has on a premises in respect of which there is a licence to sell liquor-

(a) caused annoyance to any person;

(b) caused a nuisance;

(c) conducted himself in an indecent or disorderly manner or in a manner likely to cause a breach of the peace;

(d) publicly done an indecent act;

(e) used indecent or obscene language; or

(f) solicited for immoral purposes,

prohibiting that person for a specified period not exceeding 12 months from entering the premises specified in the notice.

(4) A notice under subregulation (3) shall be delivered personally to the person to whom it has been issued, and a copy of the notice shall be sent to the

holder of the licence relating to the premises specified in the notice.

(5) A person to whom a notice is delivered under subregulation (4) shall comply with the notice.

(6) Where a licence holder or his agent or servant suspects that a person who is about to enter a premises which is licenced, as a public bar, or toddy bar or for manufacturing and selling of baka and lapire, has any object on his person which may be used to cause harm to others, that person may be required to submit to a search by the licence holder or his servant or agent and if such person refuses to so submit, admission shall be refused.

16. (1) The Authority may suspend, revoke, or refuse the renewal or grant of a licence where the Authority has reasonable grounds to believe that the holder of the licence-

(a) has made any misrepresentation or failed to disclose any material fact in applying for the licence, and such misrepresentation or non-disclosure has influenced the Authority to grant the licence;

(b) has acted in contravention of the Act or these Regulations;

(c) has acted in breach of any condition of any licence other than a temporary licence;

(d) has acted in breach of a condition of a temporary licence within a period of one year prior to the application for another such licence and the Authority considers the breach to be sufficiently serious as to refuse the application;

(e) is incapable of carrying on business under the licence;

(f) has failed to carry on business under the licence for a continuous period of 6 months;

(g) or its manager or any of its directors, where applicable, has been convicted of an offence involving dishonesty, fraud or moral turpitude; or

(h) or any of its directors or managers where applicable, has been discourteous on at least two occasions within a period of one year, to any officer of the Authority or the Ministry responsible for Health, when the officer was performing any official function under the Act or these Regulations;

(2) Before the Authority suspends, revokes or refuses the grant or a renewal of a licence under this regulation, the Authority shall call upon the holder of the licence or applicant to show cause and having considered any representation inform its decision to the holder or applicant as the case may be.

(3) Where a licence is suspended, the holder shall, notwithstanding any

appeal against the suspension cease to carry on the business under the licence.

(4) Where the licence is revoked, the holder shall, pending the decision of any appeal, cease to carry on the business under the licence.

17. (1) A Police Officer not below the rank of sergeant or a person authorised in writing by the Authority may at any time enter and search any premises in respect of which a licence has been issued, for the purpose of preventing or detecting the commission of any offence under the Act.

(2) A Police Officer furnished with written authority of a judge, magistrate, a justice of the peace or the Registrar of the Supreme Court may enter and search any premises whatsoever, in which he has reason to suspect that an offence under the Act is being, or is about to be, committed:

Provided that, where the delay occasioned in obtaining such written authority is likely to prevent the detection of an offence a Police Officer may so act without such authority, but shall report such action as soon as possible to a judge, a magistrate, a justice of the peace or the Registrar of the Supreme Court.

(3) If on any search made under these Regulations any liquor be found which, it is reasonable to suspect, was kept at the place searched for the purpose of unlawful sale, such liquor and the vessels containing the same may be seized and removed by or under the authority of a police officer or the person authorised by the Authority making the search.

18. A person who was the holder of a licence other than a temporary licence and who applies after the expiration of the licence, for the same type of licence shall, unless the Authority is satisfied that he had, after the expiration of his licence ceased to carry on the sale of liquor, be liable, in addition to the licence fee and any other penalty under the Act, to a surcharge equal to 10 per centum of the licence fee for each month or part of a month constituting the period between the date of the expiration of the licence and the date of the application..

19. (1) The Commissioner of Police may, by notice in writing addressed to a holder of a licence require the holder of the licence to close down the premises at such times or for such period as the Commissioner of Police may think necessary for the maintenance and preservation of law and order and inform the Authority of such action.

(2) If any riot or tumult occurs or is reasonably expected to occur any police officer not below the rank of Inspector may in writing require the holder of a licence whose premises is situated in or near the place where such riot or tumult occurs or is expected to occur, to close the premises during such period as such police officer may think necessary for the maintenance and preservation of law and order, and inform the Authority in writing of the action taken under this regulation.

(3) Any person failing to comply with any request made under this regulation shall be guilty of an offence under section 24(4) of the Act and on conviction be liable to the penalty under section 25(a) of the Act.\*

Subregulation 19(3) amended by SI 26 of 2013 with effect from 15 March 2013.

Note: SI 26 of 2013 purported to amend subregulation 19(2), but the amendment in question can only plausibly relate to subregulation 19(3), and has been so made in this version accordingly.

20. No person shall prevent, hinder or obstruct a police officer or a person authorised by the Authority in the performance of such officer's or person's functions under these Regulations.

21. The Licences (Liquor and Outdoor Entertainment) Regulations are hereby repealed.

## SCHEDULE A – FEES

### *Regulation 5*

1.(a)	For processing an application for a licence, other than a temporary licence	R 50
(b)	For processing an application for a toddy bar licence	R 15
(c)	For processing an application for a baka and lapire licence	R 50
2.	Bottler's licence	R 500
3.	Off-licence	R 300
4.	Public bar licence	R1,500
5.	Members' club licence	R1,500
6.	Toddy bar licence	R 50
7.	Baka licence	R 400
8.	Lapire Licence	R 100
9.	Temporary licence	R 100
10.	For permission to transfer a licence to other premises	R 50
11.	An outdoor entertainment licence-	
	(i) for a period of one day	R 500
	(ii) for a period exceeding one day and not exceeding 3 days	R1,500
	(iii) for a period exceeding 3 days but not exceeding 12 months	R5,000

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## SCHEDULE B - DOCUMENTS

### *Regulation 5*

An application for a licence shall be accompanied by the documents mentioned below.

1. Public Bar Licence And Members' Club Liquor Licence

(a) documentary proof to the satisfaction of the Authority that the applicant has the necessary experience and finance to carry on the activity;

(b) where the premises is newly built or has been renovated planning approval and certificate to the effect that the premises comply with all the planning requirements under the laws of Seychelles;

(c) certificate from the person in charge of Fire Brigade that the premises comply with the planning requirements relating to fire protection under the laws of Seychelles;

(d) documentary proof to the satisfaction of the Authority that the applicant is the owner or lessee of the premises.

2. Toddy Bar, Baka or Lapire Licence

(a) documentary proof to the satisfaction of the Authority that the applicant is a person of good repute and is fit to manage the business;

(b) that the applicant is the owner or lessee of the premises;

(c) where the applicant is not the owner a copy of the lease agreement granting the applicant permission to carry on the toddy bar, baka or lapire business.

3. Bottler's Licence And Off-Licence

In the case of an individual applying for off-licence

(a) documentary proof to the satisfaction of the Authority that the applicant is the owner or lessee of the premises;

In the case of an application for a bottler's licence

(b) that the applicant has the necessary experience and finance to carry out the business;

(c) where the premises is newly built or has been renovated

planning approval and certificate of to the effect that the premises comply with all the planning requirements under the laws of Seychelles;

(d) certificate from the person in charge of the Fire Brigade that the premises comply with all the planning requirements relating to fire protection under the laws of Seychelles;

In the case of a firm

(e) documents specified in paragraph 3 (a) for off-licence and (b) (c) and (d) which are applicable to the applicant for a bottler's licence.

(f) documentary proof that the partners have the necessary experience and finance to carry on the business;

(g) a true copy of the certificate of registration of the firm;

In the case of a corporate body

(i) a true copy of the certificate of incorporation and memorandum of association;

(j) documentary proof to the satisfaction of the Authority that the applicant has in its employment persons having the necessary experience to carry on such a business;

(k) documents specified in paragraph 3 (a) for liquor off licence and (b) (c) (d) applicable to an applicant for a bottler's licence.

#### 4. Outdoor Entertainment Licence

An application for an outdoor entertainment licence shall be accompanied by-

(a) particulars of persons concerned in the organisation or promotion of the outdoor entertainment activity for which the licence is applied and the interest represented by such persons;

(b) particulars of persons who have been invited to or agreed to participate in the outdoor entertainment activity and the interest represented by such persons;

(c) particulars of the purposes to which the profits of the outdoor entertainment activity are intended to be applied;

(d) where the approval of the Commissioner of Police is required for the outdoor entertainment activity under the Public Order Act the written approval of the Commissioner;

(e) written permission of the owner or lessee of the premises in which the outdoor entertainment activity is to be held;

(f) a deposit with the Authority of such sum not exceeding R5000 as may be directed by the Authority as security for compliance with regulation 14 (10).

5. Temporary Licence

- (a) particulars of the purposes for which the licence is required;
- (b) letter of approval of the owner or lessee for liquor to be sold on the premises.

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**SCHEDULE C - OBJECTION FORM**

*Regulation 8(2)*

Name: .....

Address: .....

Reasons for objections: .....

I ..... declare that the particulars given in this objection are true and accurate.

Date this .....

.....

Signature of Objector

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**SCHEDULE D – LICENCES**

*Regulation 14(3)(i)*

- (i) off-licence;
- (ii) baka licence;
- (iii) toddy bar licence;
- (iv) lapire licence;
- (v) temporary licence;

**SUBSIDIARY LEGISLATION: LICENCES (GAME OF CHANCE)  
REGULATIONS**

*[26th September, 1994]*

SI.60 of 1994  
SI. 82 of 1996  
SI. 70 of 2011

1. These Regulations may be cited as the Licences (Game of Chance) Regulations.
2. In these Regulations –  
  
“game of chance” means the playing of bingo, aero bingo, treble chance, lotto, scratch cards or any game, by whatever name called, similar to the above and a lottery;  
  
“winnings” includes any prizes or other winnings of any kind.
3. An application for a game of chance licence shall be in the Form provided by the Authority and shall specify the game or games of chance for which the licence is applied for.
4. Before granting a game of chance licence, the Authority shall consult –
  - (a) the Ministry responsible for Finance;
  - (b) the Commissioner of Police;
  - (c) the Ministry responsible for Planning as to whether any premises in which the activity is conducted comply with the planning requirements under the Laws of Seychelles;
  - (d) the person in charge of the Fire Brigade as to whether the premises referred to in paragraph (c) comply with the planning requirements relating to fire protection under the Laws of Seychelles.
5. Notwithstanding sections 167, 170 and 173(c) of the Penal Code, a game of chance licence shall authorise the holder of the licence to organize and conduct a game of chance subject to and in accordance with the licence.
6. (1) No person other than a company incorporated under the Companies Act, not being an overseas company within the meaning of that Act, shall be eligible to apply for a game of chance licence.  
  
(2) The Authority shall not grant a game of chance licence to a company where any director of the company or its manager is an undischarged bankrupt or has been convicted of an offence involving dishonesty or immorality.  
  
(3) The Authority may, for the purpose of regulating gaming activities and preventing excessive gaming activities in Seychelles, restrict the number of game of chance licences to be granted under these Regulations.

7. (1) A game of chance licence shall, in addition to any other conditions which the Authority may specify in the licence, be subject to the following conditions –

(a) an invitation to participate in a game of chance, the prizes offered and the rules of the game shall be published in a local newspaper or made public over the radio or television or by the display of public posters;

(b) tickets or cards to participate in a game of chance, other than scratch cards, shall be offered to the public not less than 3 days and not more than 30 days before the date of the game;

(c) each ticket or card offered for participation in a game of chance shall bear the seal of the holder of the licence;

(d) all winnings, if in money, shall be paid in Seychelles rupees;

(e) the holder of the licence shall display in a conspicuous place in the premises in which the activity is conducted –

(i) a copy of the licence;

(ii) a notice specifying the game of chance organized, the prizes offered and the rules of the game;

(f) the holder of the licence-

(i) shall publish in a local newspaper the full name of each winner of a game of chance organized by the holder, other than scratch cards, together with the full address unless the winner has requested that the name shall not be so published;

(ii) shall forward to the Authority the full name of each winner of a game of chance organized by the holder, other than scratch cards, together with the full address and prize won, including the full names and other particulars of the winners whose full names have not been published under paragraph (i);

(iii) where a date has been fixed for the draw of a game of chance, shall not postpone such date either before or after such date unless for good reason published in a local newspaper and made public over the radio or television not less than 2 days prior to such date and shall not, in any event, postpone such date for a period exceeding 60 days;

(iv) shall retain the winning tickets or cards for a period of 90 days after the draw;

(v) shall hand over to the Police station at Victoria any unsold tickets or cards marked cancelled not less than two hours before the draw;

(vi) shall pay in full all winnings in accordance with paragraph (d) to a winner in cash or by cheque (other than a post-dated cheque) immediately after a valid claim is made by the winner;

(vii) shall ensure that tickets or cards offered for each game are of a winner in cash or by cheque (other than a post-dated cheque) immediately after a valid claim is made by the winner;

(viii) shall ensure, at the expense of the holder, the presence of a police officer at each draw;

(ix) shall prohibit any employee of the holder in participating in any game of chance organized by the holder;

(x) shall ensure that the employees of the holder are of good character, honest and willing to provide efficient service to participants of the games;

(xi) shall use for the draw a machine of a type approved by the Authority and tested and certified by the Seychelles Bureau of Standards;

(xii) shall, at the request of the Seychelles Bureau of Standards, produce the machine referred to in paragraph (xi) for periodic testing;

(xiii) shall keep a register of the sale agents of the holder of the licence and make available for inspection the register by the Authority, an officer authorized by the Authority or a police officer.

(2) Where an employee of the holder of a game of chance licence or any person acting on behalf of or under any arrangement with the holder of the licence contravenes any condition of the game of chance licence, the holder of the licence shall be liable for such contravention as if he had personally committed the contravention unless he proves that he had used due diligence and taken all reasonable steps to prevent such contravention and that the contravention was committed without his knowledge, consent or connivance.

8. (1) The Authority may, on application under regulation 3, grant a game of chance licence for a period of 1 year or 5 years.

(2) Where a game of chance licence is granted for a period of 5 years, the holder of the licence shall pay the annual licence fee for the period subsequent to the first year, on or before the beginning of each subsequent year

(3) A game of chance licence granted –

(a) for a period of 1 year shall, unless earlier revoked, cease to be valid at the end of that year;

(b) for a period of 5 years shall, where the holder of the licence –

(i) fails to pay the annual licence fee in accordance with subregulation (2), unless earlier revoked, cease to be valid at the beginning of the year for which the annual licence fee is due and payable;

(ii) pays the annual licence fee in accordance with subregulation (2), unless earlier revoked, cease to be valid at the end of 5 years.

(4) A game of chance licence is not transferable.

9. (1) An application for a game of chance licence shall be accompanied by

–

(a) subject to subregulation (5), the fees set out in the Schedule;

(b) a deposit furnished in the manner specified in subregulation (2) of such sum, not exceeding R1,000,000 as may be determined by the Authority, as security for the satisfaction of any judgment against the holder of the licence in relation to any act or omission connected with the licence in relation to any act or omission connected with the licence or for the performance of any obligation of the holder in respect of any winnings of any game of chance;

(c) documents to the satisfaction of the Authority that the applicant has in its employment as manager and senior staff persons who are honest, trustworthy and reliable.

(2) A deposit under subregulation (1)(b) may be furnished –

(i) in cash;

(ii) by a bank guarantee;

(iii) by a policy of insurance.

(3) Where a holder of a licence fails to satisfy any judgment or perform an obligation referred to in subregulation (1)(b), the Authority may, where the deposit is in cash, apply the deposit or, where the deposit is by bank guarantee or by a policy of insurance, require the bank or the insurer, to satisfy the judgment or perform the obligation.

(4) Where by the application of subregulation (3) the deposit at any time falls short of the sum for which the deposit is furnished under subregulation (1)(b), the Authority may require the holder of the licence to furnish an additional

deposit so as to make up the short fall.

(5) A person who was the holder of a game of chance licence and who applies, after the expiration of the licence, for a game of chance licence shall, unless the Authority is satisfied that he had, during the period between the expiration of his previous licence and his application, ceased to carry on the activity for which he was previously licensed, be liable, in addition to the licence fee and any other penalty under the Act to a surcharge equal to 10% of the licence fee for each month or part thereof which has elapsed from the date of expiration of the previous licence and the date of the lodging of his application.

(6) Where the application is refused the Authority shall refund the licence fee and the surcharge, and return the deposit, to the applicant.

(7) Where a game of chance licence ceases to be valid, the Authority shall return to the person who was the holder of the licence the deposit or such part thereof as is not required to satisfy a judgment or perform an obligation under subregulation (3).

10. (1) No person is liable in respect of winnings from any game of chance to any taxation or duty imposed by law in respect of income, whether gross or net, profits or gift or to any duty, fee, rate, cess or other impost under any law.

(2) For avoidance of doubt, in this regulation 'winnings' does not include any winnings, profit or other income of the holder of the game of chance licence or any employee of or person acting on behalf of, or under any arrangement with the holder of the licence.

11. Notwithstanding anything in the Penal Code or in an other law, the use of a premises for the organizing and conduct of a game of chance under the authority of a game of chance licence does not constitute the premises a gaming house.

12. These Regulations do not apply –

(a) where a game of chance is organized and conducted for raising money for a charitable cause, or a public purpose, approved by the Minister;

(b) where a game of chance is organized and conducted at an entertainment promoted for raising money to be applied for purposes other than private gain.

13. The Authority may suspend or revoke a game of chance licence –

(a) where the holder of the licence contravenes any condition of the licence;

(b) where the holder of the licence or the manager or any member of the senior staff of the holder has been convicted of an offence involving dishonesty; or

(c) where the holder of the licence ceases to be qualified for the grant of the licence.

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**SCHEDULE - FEES**

2.	Annual Licence fee	R1,000,000
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**SUBSIDIARY LEGISLATION: LICENCE (TRADE) REGULATIONS\***

*[31st March, 1987]*

SI.22/1987  
SI.12/1992  
SI.47/1992  
SI.102/1992  
SI. 16/1996  
SI. 102/1996  
SI. 61/2005  
SI. 11/2011  
SI. 74/2014\*

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**Note:**

- (1) There are currently two Licence (Trade) Regulations in force, as SI 23 of 2012 (reproduced below) did not repeal and replace SI 22 of 1987.
- (2) The most recent amendment to these Regulations, SI 74 of 2014, purports to amend “SI 22 of 1987 as last amended by SI 23 of 2012”. As the text of the amendments in SI 74 of 2014 do not make sense when applied to SI 23 of 2012, but do make sense when applied to SI 22 of 1987 (as last amended in 2011), they have been made in SI 22 of 1987 for the purposes of this document.

1. These Regulations may be cited as the Licence (Trade) Regulations
2. An application for a licence to trade shall be in the Form provided by the Authority.
3. (1) The licence to trade shall be a licence to trade –
  - (a) Repealed by SI 74 of 2014 with effect from 13 October 2014.
  - (b) as a wholesaler;
  - (c) as a retailer;
  - (d) as a hirer of –
    - (i) self-drive hire vehicles;
    - (ii) public omnibus,
    - (iii) omnibus for public hire,

to which the Road Transport Act applies;

(e) as a hirer of hirecraft to which the Control of Hire Craft Act applies;

(f) as an operator of paragliding or commercial ski boat, or hirer of water sports equipment, to which the Beach Control Act applies;

(g) as a hirer of films including video films;

(h) as a hirer of any goods or vehicles other than a hirer referred to in paragraphs (d), (e), (f) or (g).

(2) The Licence to trade shall –

(a) in the case of a licence to trade referred to in subregulation (1), (b) or (c), specify the category or class of goods for which the licence is granted and the address where the trade is to be carried on;

(b) in the case of a licence to trade referred to in subregulation (1) (d), (e), (f), (g), or (h), specify the category or class of operation or hiring for which the licence is granted and the address where the trade is to be carried on.

Subregulation (3)(2)(a) amended by SI 74 of 2014 with effect from 13 October 2014

(3) The Authority may grant a licence to trade in more than one class of trade specified in subregulation (1).

4. Before granting the licence, the Authority shall consult –

(a) the Ministry responsible for Planning as to whether the trade premises comply with all requirements of planning under the laws of Seychelles;

(b) the Ministry responsible for Health as to whether the trade premises conform to the public health requirements under the laws of Seychelles;

(c) where necessary, the officer in charge of the Fire Brigade as to whether the trade premises comply with all planning requirements relating to fire protection under the laws of Seychelles;

(d) the Ministry responsible for Defence;

(e) in the case of a licence under regulation 3(1), (b) or (c), the Seychelles Marketing Board on matters within its purview;

Regulation (4)(e) amended by SI 74 of 2014 with effect from 13 October 2014

(f) in the case of a hirer under regulation 3(1) (d), the Ministry responsible for Transport;

(g) in the case of a hirer under regulation 3(1) (e), the Harbour Master as to whether the hirecraft complies with the requirements under the Control of Hire Craft Act and, where a hire craft is required to be fitted with a wireless receiver or transmitter, whether there is a valid licence for the receiver or transmitter;

(h) in the case or a hirer under regulation 3(1) (f), the Ministry responsible for the administration of the Beach Control Act as to whether the requirements under that Act have been complied with;

(i) in the case of a hirer under regulation 3(1) (g), the Ministry for Information on matters within its purview;

(j) in the case of a hirer under regulation 3(1) (h), the Ministry or Department having the control or management of goods, or vehicles as to whether all the requirements of law have been complied with.

5. (1) The licence under regulation 3(1)(d) shall be subject to the condition that the holder of the licence shall comply with the provisions of the Road Transport Act and the Regulations made under that Act relating to the vehicles.

(2) The Authority may, in a licence under regulation 3(1)(e) specify –

(a) conditions –

(i) restricting the number of passengers;

(ii) restricting the area of operation;

(iii) requiring additional equipment;

(iv) relating to standard of accommodation and tourist amenities;

(v) requiring the licensee to take out and keep in force a policy of insurance to the satisfaction of the Authority covering the passenger and the crew of the hirecraft, and the public, for personal injury and for damage to their property.

(b) rates for charter of hirecraft approved by the Minister responsible for Tourism;

(c) any other conditions which the Authority may deem fit to impose;

(3) A licence under regulation 3(1)(e) shall –

(a) be subject to the condition that the holder of the licence shall comply with the Control of Hirecraft Act and any statutory

instrument made thereunder; and

(b) in the case of a hirecraft which is more than 12 metres long, authorise the holder of the licence to –

- (i) provide meals,
- (ii) subject to any written law regulating the sale of liquor and tobacco, sell refreshments, liquor, cigars, cigarettes, tobacco and matches, to passengers on board the hirecraft for consumption on board the hirecraft.

(4) The Authority may, in a licence under regulation 3(1) (f), specify –

(a) conditions –

- (i) to ensure the safety of a skier, flyer, boat crew and land crew;
- (ii) to ensure the safety of the public and other users of the beach and inshore waters;
- (iii) restricting or otherwise specifying the area and time of operations;
- (iv) specifying the necessary equipment including tow rope, harness, boat or safety equipment, suitable engines for the proper and safe operation of water skiing and paragliding;
- (v) requiring the licence to take out and keep in force a policy of insurance to the satisfaction of the Authority covering the water skier, paraglider, the ski boat and paragliding crew and the public, for personal injury or damage to their property.

(b) any other condition which the Authority may deem fit to impose.

(5) A licence under regulation 3(1)(f) shall be subject to the condition that the holder of the licence shall comply with the provisions of the Beach Control Act and Regulations made under that Act.

(6) The Authority may in a licence under regulation 3(1)(g), specify –

(a) conditions-

- (i) requiring the licensee to submit the films before hiring for the approval of the Ministry responsible for Information which is hereby empowered to call for, examine and rate any film and approve it with or without excision therefrom;

(ii) prohibiting the hiring of films which have not been approved by the Ministry responsible for Information or otherwise than in accordance with its approval;

(b) any other condition which the Authority may deem fit to impose.

(7) The Authority may in a licence under regulation 3(1) (h), specify –

(a) conditions –

(i) requiring the licensee to take out and keep in force a policy of insurance to the satisfaction of the Authority covering –

A. the passengers in the vehicle and the public for personal injury and damage to their property; and

B. damage to goods being carried by the vehicle;

(ii) in relation to storage of goods, their disposal and quality control;

(b) any other condition which the Authority may deem fit to impose.

6. (1) An application for a licence to trade shall, subject to subregulation (2), be accompanied by the fees set out in the Schedule.

(2) A person who was the holder of a licence and who applies, after the expiration of the licence, for the same type of licence shall, unless the Authority is satisfied that he had, during the period between the expiration of the licence and his application, ceased to carry on the activity for which he was previously licensed, be liable, in addition to the licence fee and any other penalty under the Act, to a surcharge equal to 10% of the licence fee for each month or part thereof which has elapsed from the date of the expiration of the previous licence and the date of the lodging of his application.

(3) Where an application for a licence is refused, the Authority shall refund the licence fee and the surcharge to the applicant.

7. (1) A licence to trade shall be valid for a period of 12 months from the date of grant unless earlier revoked by the Authority and is, subject to subregulation (2), non-transferable.

(2) The Authority may, on the application of the holder of a licence and after consulting the relevant bodies specified in regulation 4, authorise, subject to such conditions as it thinks fit, the holder of the licence to transfer the activities under the licence to another premises.

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## SCHEDULE - FEES

*Reg.6(1)*

1.	Processing an application for a licence other than a licence to trade as a retailer	R. 50	
2.	Processing an application for a licence to trade as a retailer	R. 25	
3.	Licence fee	1 year	3 years
(i)	Repealed by SI 74 of 2014		
(ii)	wholesaler (in respect of each premises where the trade is carried on)	R2200	R6200
(iii)	retailer–		
(a)	of handicrafts	R200	
(b)	of other goods (in respect of each premises where the trade is carried on)	R400	R1130
(iv)	Repealed by SI 102 of 1996		
(v)	hirer of hirecraft to which the Control of Hire Craft Act applies –		
A.	where the hirecraft belongs to a Seychellois –		
AA.	the craft, not being a beach-craft does not exceeds 3m	R500	R1,410
AB.	the craft, not being a breach-craft, exceeds 3m but does not exceed 12m	R1,500	R4,230
AC.	the craft, not being a beach-craft, exceeds 6m but does not exceed 9m	R4,000	R11,280
AD.	the craft, not being a beach-craft, exceeds 9m but does not exceed 12m	R6,000	R16,920
AE.	the craft, not being a beach-craft, exceeds 12m but does not exceeds 20m	R8,000	R22,560
AF.	the craft, not being a beach-craft, exceeds 20m	R10,000	R28,200

AG.	the hirecraft is a beach craft (including wind-surfing boards, sail boards and the beach sport crafts)	R 100	R 280
B.	where the hirecraft does not belongs to a Seychellois, each of the fees specified in sub-subitem A is doubled.		
(vi)	operator of paragliding, commercial ski boat and hirer of water sports equipment	R.400	R1130
(vii)	Hirer of films (in respect of each premises where the trade is carried on)	R.400	R1130
(viii)	Hirer of bullock carts	R.20	R 60
(ix)	Hirer of loaders and excavators	R.400	R1130
(x)	Hirer of other goods not otherwise specified (in respect of each premises where the trade is carried on)	R.400	R1130
4.	Licence fee for hirer of self-drive hire vehicles	R5 per hire vehicle for each day	

**SUBSIDIARY LEGISLATION: SECTION 28: LICENCES (TRADE)  
REGULATIONS\***

*[7th May 2012]*

SI.23 of 2012  
SI. 74 of 2014\*

**Note:**

- (1) There are currently two Licence (Trade) Regulations in force, as SI 23 of 2012 (reproduced below) did not repeal and replace SI 22 of 1987.
- (2) The most recent amendment to these Regulations, SI 74 of 2014, purports to amend “SI 22 of 1987 as last amended by SI 23 of 2012”. As the text of the amendments in SI 74 of 2014 do not all make sense when applied to SI 23 of 2012, but do all make sense when applied to SI 22 of 1987 (as last amended in 2011), they have all been applied to SI 22 of 1987 (reproduced above) for the purposes of this document, and for the avoidance of doubt, **also** applied to SI 23 of 2012 (reproduced below) where possible.

1. These Regulations may be cited as the Licences (Trade) Regulations.
2. An application for a licence to trade shall be in the form prescribed by the Authority.
3. (1) The licence to trade shall be a licence to trade as —

(a) Repealed by SI 74 of 2014 with effect from 13 October 2014

(b) a wholesaler;

(c) a retailer;

(d) a hirer of hirecraft to which the Control of Hire Craft Act applies;

(e) an operator of paragliding or commercial ski boat, jet-skis or hirer of water sports equipment, to which the Beach Control Act applies;

(f) a hirer of any goods or vehicles other than a hirer referred to in paragraph (d) or (e).

(2) The licence to trade shall —

(a) in the case of a licence to trade referred to in subregulation (1), (b) or (c), specify the category or class of goods for which the licence is granted and the address where the trade is to be carried on;

Subregulation 3(2)(a) amended by SI 74 of 2014 with effect from 13 October 2014

(b) in the case of a licence to trade referred to in subregulation (1) (d), (e) or (f), specify the category or class of operation or hiring for which the licence is granted and the address where the trade is to be carried on.

(3) The Authority may grant a licence to trade in more than one class of trade specified in subregulation (1).

4. Prior to granting a licence, the Authority shall consult —

(a) the Planning Authority as to whether the trade premises comply with all requirements of planning under the laws of Seychelles;

(b) the Department responsible for Public Health as to whether the trade premises conform to the public health requirements under the laws of Seychelles;

(c) where necessary, the officer in charge of the Fire and Rescue Services Agency as to whether the trade premises comply with all planning requirements relating to fire protection under the laws of Seychelles;

(d) in the case of a hirer under regulation 3(1) (d), the Seychelles Maritime Safety Administration as to whether the hirecraft complies with the requirements of the Control of Hire Craft Act and, where a hire craft is required to be fitted with a wireless receiver or transmitter, whether there is a valid licence for the receiver of transmitter;

(e) in the case of a hirer under regulation 3(1)(e), the Ministry responsible for the administration of the Beach Control Act as to whether the requirements under that Act have been complied with;

(f) in the case of a hirer under regulation 3(1)(f), the Ministry or Department having the control or management of goods or vehicles as to whether all the requirements of law have been complied with.

5. (1) The Authority may, in a licence under regulations 3(1) (d) specify—

(a) conditions—

(i) restricting the number of passengers;

(ii) restricting the area of operation;

(iii) requiring additional equipment;

(iv) relating to standard or accommodation and tourist amenities;

(v) requiring the licensee to take out and keep in force a policy of insurance to the satisfaction of the Authority covering the passenger and crew of the hirecraft, and the public, for personal injury and for damage to the property;

(b) rates for charter or hirecraft approved by the Seychelles Tourism Board;

(c) any other conditions which the Authority may deem fit to impose;

(2) A licence under regulations 3(1)(d) shall be subject to the condition that the holder of the licence shall comply with the provisions of the Control of Hire Craft Act and the Regulations made under that Act.

(3) The Authority may, in a licence under regulation 3(1) (e) specify—

(a) conditions —

(i) to ensure the safety of a skier, flyer, boat crew and land crew;

(ii) to ensure the safety of the public and other users of the beach and inshore waters;

(iii) restricting or otherwise specifying the area and time of operations;

(iv) specifying the necessary equipment including tow

rope, harness, boat or safety equipment, suitable engines for the proper and safe operation of water skiing and paragliding;

(v) requiring the licensee to take out and keep in force a policy of insurance to the satisfaction of the Authority covering the water skier, paraglider, the ski boat and paragliding crew, and the public or personal injury or damage to their property.

(b) any other conditions which the Authority may deem fit to impose.

(4) A licence under regulation 3(1)(e) shall be subject to the condition that the holder of the licence shall comply with the provisions of the Beach Control Act and Regulations made under that Act.

(5) The Authority may in a licence under regulation 3(1)(f), specify—

(a) Conditions—

(i) requiring the licensee to take out and keep in force a policy of insurance to the satisfaction of the Authority covering —

A. The passengers in the vehicle and the public for personal injury and damage to their property; and

B. Damage to goods being carried by the vehicle.

(ii) in relation to storage of goods, their disposal and quality control;

(b) any other conditions which the Authority may deem fit to impose;

6. (1) Subject to subregulation (2), an application for a licence to trade shall be accompanied by the fees set out the Schedule.

(2) A person who was the holder of a licence and who applies, after the expiration of the licence, for the same type of licence shall, unless the Authority is satisfied that he has, during the period between the expiration of the licence and his application, ceased to carry on the activity for which he was previously licensed, be liable, in addition to the licence fee and any other penalty under the Act, to a surcharge equal to 10% of the licence fee for each month or part thereof which has elapsed from the date of the expiration of the previous licence and the date of the lodging of his application.

(3) Where an application for a licence is refused, the Authority shall refund the licence fee and the surcharge to the applicant.

7. (1) A licence to trade shall be valid for a period of 1 year, 3 years or 5 years as applicable unless revoked by the Authority and is, subject to subregulation (2), non transferable.

(2) The Authority may, on the application of the holder of a licence and after consulting the relevant bodies specified in regulation 4, authorise, subject to such conditions as it thinks fit, the holder of the licence to transfer the activities under the licence to another premises.

## SCHEDULE - FEES

*Reg 6(1)*

1.	Licence fee	5 Years	
		SCR	
(i)	importer*	1200	
	Note that all references to "importer" in the text of the Regulations have been repealed by SI 74 of 2014 with effect from 13 October 2014.		
(ii)	wholesaler	1200	
(iii)	retailer	1200	
2.	Licence fee for hirer of hirecraft to which the Control of Hire Craft Act applies —	1 Years	3 Years
		SCR	SCR
A.	where the hirecraft belong to a Seychellois and		
AA.	the craft, not being a beachcraft, does not exceed 3m	500	1,400
AB.	the craft, not being a beachcraft, exceeds 3m but does not exceed 12m	1,500	4,200
AC.	the craft, not being a beachcraft, exceeds 6m but does not exceed 12m	4,000	11,200
AD.	the craft, not being a beach-craft, exceeds 9m but does not exceed 12m	6,000	16,900
AE.	the craft, not being a beach-craft, exceeds 12m but does not exceeds 20m	8,000	22,500

AF.	the craft, not being a beach-craft, exceeds 20m	10,000	28,200
AG.	the hirecraft is a beachcraft (including wind-surfing boards, sail boards and the beach sport crafts)	100	300
B.	where the hirecraft does not belong to a Seychellois, each of the fees specified in subitem A is doubled		
(i)	operator of paragliding, commercial ski boat and hirer of water sports equipment	400	1,150
(ii)	hirer of bullock carts	20	60
(iii)	hirer of loaders and excavators	400	1,150
(x)	hirer of other goods not otherwise specified	400	1,150

**SUBSIDIARY LEGISLATION: LICENCES (GAMING MACHINES)  
REGULATIONS**

*(16th May, 1994)*

SL.38 of 1994

1. These Regulations may be cited as the Licences (Gaming Machines) Regulations.
2. In these Regulations-
  - “Casino” and “Casino licence” have the meaning assigned to them in the Licences (Casino) Regulations;
  - “gaming” means the playing on a gaming machine of a game of chance for winnings in money or money’s worth whether any person playing the game is at risk of losing any money or money’s worth or not;
  - “gaming machine” means a machine used for gaming;
  - “gaming machine licence” means a licence for keeping, other than in a casino, a gaming machine for the purpose of gaming in a premises specified in the licence;
  - “game of chance” or “game” does not include any athletic game or sport but includes –
    - (a) a game of chance and skill combines;

(b) a pretended game of chance or of chance and skill combined,

but in determining for the purposes of these Regulations whether a game is a game of chance and skill combined, the possibility of superlative skill eliminating the element of chance is to be disregarded;

“licensee” means the holder of a gaming machine licence;

“premises” means a place specified in the gaming machine licence;

“winning” includes any prizes or other winnings of any kind.

3. An application for a gaming machine licence shall be in the Form provided by the Authority.

4. Before granting a gaming machine licence the Authority shall consult-

(a) the Ministry responsible for Finance;

(b) the Ministry responsible for Planning as to whether the premises comply with all planning requirements under the laws of Seychelles;

(c) the person in charge of the Fire Brigade as to whether the premises comply with all the planning requirements relating to fire protection under the laws of Seychelles;

(d) the Ministry of Health as to whether the premises comply with all health requirements under the laws of Seychelles;

(e) the Ministry responsible for Tourism.

5. Notwithstanding sections 167, 170 and 173(c) of the Penal Code or any other law to the contrary, a gaming machine licence shall authorise gaming on the premises subject to and in accordance with the licence, by persons of or over 18 years in age who are not otherwise prohibited from being on the premises.

6. (1) No person other than a company incorporated under the Companies Act, not being an overseas company within the meaning of that Act, shall be eligible to apply for a gaming machine licence.

(2) No person, other than a holder of a Casino licence shall keep a gaming machine for gaming except under and in accordance with a gaming machine licence.

7. For the purpose of exercising control and ensuring that there is no excessive gaming, the Authority may prescribe the maximum number of gaming machines to be used on any premises or in Seychelles.

8. (1) A gaming machine licence shall, in addition to any other conditions which the Authority may specify in the licence, be subject to the following conditions –

(a) the licence shall not permit a person under 18 years of age to take part in gaming on the premises;

(b) the licence shall not knowingly permit any person who is in any way –

(i) concerned in the management, regulation, supervision, control or administration of any gaming in any premises or of a casino in or outside Seychelles; or

(ii) employed by a licence or in any casino in or outside Seychelles;

to take part in gaming on the premises.

(c) the licence shall not permit on the premises any gaming –

(i) which is not authorised by the gaming machine licence; or

(ii) which contravenes any conditions of the gaming machine licence,

(d) the licence shall refuse to admit to and shall expel from the premises any person –

(i) who is drunk, violent, quarrelsome or disorderly; or

(ii) whose presence on the premises would make the licence liable to a penalty under the Act or any other law;

(c)\* the licensee shall exhibit in a conspicuous place in the premises –

(i) who is drunk, violent, quarrelsome or disorderly; or

(ii) whose presence on the premises would make the licence liable to a penalty under the Act or any other law;

(d)\* the licensee shall exhibit in a conspicuous place in the premises –

(i) a copy of the gaming machine licence

(ii) a notice specifying –

(aa) the number of gaming machines and maximum stakes;

(bb) rules of any game played; and

(cc) the hours of opening.

Note: The double numbering of paragraphs (c) and (d) and the repetitive subparagraphs in second paragraph (d) appear in the SI as Gazetted.

(e) The licensee shall keep an inventory of all the gaming machines kept on the premises and shall not transfer from the premises any such machine without the authorization of the Authority.

(2) The Authority may in a gaming machine licence –

(a) specify the numbers and type of gaming machines authorized and the maximum stakes for those gaming machines;

(b) specify the games permitted to be played and the maximum stakes for those games;

(c) specify matters relating to the method of operation of the games or gaming machines.

(3) Where a person is employed on the premises by the licensee to instruct or advise other persons in the operation or use of the gaming machines or to provide general supervision of gaming on the premises, the licensee shall not be treated as having contravened the condition set out in subregulation (1)(b).

(4) Where an employee of the licensee or any person acting on behalf of or under any arrangement with the licensee contravenes any conditions of the gaming machine licence of the licensee, the licensee shall be liable for such contravention as if he had personally committed the contravention unless he proves that he had used due diligence and taken all reasonable steps to prevent such contravention and that the contravention was committed without his knowledge, consent or connivance.

9. An application for a gaming machine licence shall, subject to regulation 10(1), be accompanied by the fees set out in the Schedule.

10. (1) A person who was the holder of a gaming machine licence and who applies, after the expiration of the licence, for a licence shall, unless the Authority is satisfied that he had, during the period between the expiration of his previous licence and his application, ceased to keep a gaming machine, be liable, in addition to the licence fee and any other penalty under the Act, to a surcharge equal to 10% of the licence fee for each month or part thereof which has elapsed from the date of the expiration of the previous licence and the date of the lodging of his application.

(2) Where the application is refused the Authority shall refund the licence fee and the surcharge to the applicant.

11. (1) No person is liable in respect of winnings from any gaming machine to any taxation or duty imposed by law in respect of income, whether gross or net, profits or gifts or to any duty, fee, rate, cess or other impost under any law.

(2) For the avoidance of doubt, in this regulation “winnings” does not include any winnings, profit or other income of the licensee or any employees of,

or person acting on behalf of, or under any arrangement with the licensee.

12. Notwithstanding anything in the Penal Code or in any other law, the use of a premises for granting under a gaming under a gaming machine licence does not constitute the premises a gaming house.

13. (1) Any person authorised by the Authority or a police officer of the rank of Inspector or above may at any time-

(a) enter, inspect and search the premises used for gaming;

(b) without warrant search any person found on the premises;

(c) demand that the licensee produces the licence for examination;

(d) require the licensee or any employee or person acting on behalf of the licensee to furnish any information relating to the gaming machine licence which is reasonably required for the performance of his functions;

(e) inspect the equipment, supplies or other thing used in connection with gaming;

(f) require the licensee to repair, replace any equipment found to be defective; and

(g) seize and remove from the premises anything in respect of which he has reasonable grounds of believing that an offence under the Act is being or has been committed.

(2) No female shall be searched under this regulation except by a female.

(3) A person authorized by the Authority or a police officer of the rank of Inspector and above acting under this regulation may take with him such other persons and things as may be necessary for the purpose of this regulation.

(4) The Commissioner of Taxes, or any officer authorized by him, may, in exercise of his functions under any written law, at any time, enter any premises specified in a gaming machine licence and inspect for the purpose of he written law books, documents and other papers kept in connection with gaming carried on in those premises and may detain for purpose of investigation or make extracts from or copies of any such books, documents or papers.

14. No person shall prevent, hinder or obstruct a police officer, a person authorized by the Authority, the Commissioner of Taxes or any officer authorized by the Commissioner of Taxes in the performance of the functions under Regulations 13.

15. (1) The Authority may, on application under regulation 3, grant a gaming machine licence for a period of one year or five years.

(2) Where a gaming machine licence is granted for a period of 5 years,

the licensee shall pay the annual licence fee, for the period subsequent to the first year, on or before the beginning of each subsequent year.

(3) A gaming machine licence granted –

(a) for a period of one year shall cease to be valid at the end of that year;

(b) for a period of five years shall, where the licence –

(i) fails to pay the annual licence fee in accordance with subregulation (2), unless earlier revoked, cease to be valid at the beginning of the year for which the annual licence fee is due and payable;

(ii) pays the annual licence fee in accordance with subregulation (2), unless earlier revoked, cease to be valid at the end of five years.

(4) A gaming machine licence is not transferable.

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## **SCHEDULE - FEES**

### *Regulation 9*

1.	Processing an application	R200
2.	An annual licence fee	R1000 per gaming machine

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## **SUBSIDIARY LEGISLATION: LICENCES (DIVING BUSINESS) REGULATIONS**

*[1st September, 1991]*

SI.48 of 1991  
SI. 65 of 1996  
SI. 27 of 2003

1. These Regulations may be cited as the Licences (Diving Business) Regulations.

2. In these Regulations –

“diving business” means the business of a dive centre or a dive operator for the provision of facilities for recreational diving;

“dive centre” means a person or a body of persons engaged in the teaching of diving;

“dive operator” means a person or a body of persons engaged in conducting diving excursions.

“power diving” means a system of diving in which a person is connected to a floating unit that is towed along the surface supporting air supply.

3. (1) An application for a licence to engage in a diving business shall be in the Form provided by the Authority.

(2) An application for a licence under subregulation (1), shall be accompanied by the fees set out in Schedule 1 and, where applicable, by the surcharge under regulation 8.

4. (1) An applicant for a diving business licence shall, production of the documents relevant thereto, satisfy the Authority –

(a) in the case of a business of a dive centre, that he is, or has in his employment, an Open Water Instructor holding the qualifications specified in subregulation (2);

(b) in the case of a business of a dive operator, that he is, or has in his employment, a Divemaster holding the qualifications specified in subregulation (3);

(c) that he has taken out a policy of insurance to the satisfaction of the Authority covering his staff, those availing of his services and the public for personal injury or damage to their properties;

(d) that the staff employed by him in the diving business, other than secretarial and office staff, has successfully completed a Rescue Technique Speciality Course approved by the Authority.

(1A) An application for a diving business (power diving) licence shall –

(a) hold the Power Dive International Introductory Dive Instructor Certificate;

(b) be a qualified Dive Control Specialist;

(c) be a qualified open water Instructor;

and where the applicant is a body corporate it shall have in its employment an individual having the qualifications referred to in this subregulation.

(2) An Open water instructor shall have the following qualifications –

(a) a Teaching Status Open Water Scuba Instructor licence from an Association of Professional Diving Instructors;

(b) an International First Aid certificate;

(c) a certificate of competence in Cardio Pulmonary

Resuscitation, approved by the Authority.

(3) a Divemaster shall have the following qualifications –

- (a) Divemaster qualification from an Association of Professional Diving Instructors;
- (b) an International First Aid Certificate;
- (c) a certificate of competence in Cardio Pulmonary Resuscitation, approved by the Authority.

5. (1) A holder of a diving business licence shall not, subject to subregulation (1A), engage any vessel in or for the purpose of the business unless

- (a) it is licenced to operate as a hire craft under the Licences Act;
- (b) it displays Diving Flags in accordance with the International Regulations for the Prevention of Collisions at sea, 1972 and as specified in Schedule 2;
- (c) it is equipped with anchors which could be instantly abandoned or it provides a Dive Tender Craft available instantly for surface rescue;
- (d) it is equipped with a crew fully aware of the special safety requirements for divers and capable of operating the vessel or the Dive Tender Crafts in an emergency and in attendance on the vessel whilst divers are in the water;
- (e) it carries a First Aid Kit including oxygen capable of being administered in the vessel;
- (f) the holder of the diving business licence has taken out a policy of insurance to the satisfaction of the Authority covering the passengers and crew of the vessel and the public for personal injury and for damage to their property.

(1A) Where the holder of a diving business licence engages only one vessel in or for the purpose of its business, subregulation (1)(a) shall not apply to such vessel but the holder of the licence shall ensure that the vessel complies with the other requirements of the Control of Hire Craft Act and the other requirements of the Control of Hire Craft Act and the regulations made thereunder.

(2) Where the holder of a diving business licence engages only one vessel in or for the purpose of its business, subregulation (1)(a) shall not apply to such vessel but the holder of the licence shall ensure that the vessel complies with the other requirements of the Control of Hire Craft Act and the other requirements of the Control of Hire Craft Act and the regulations made thereunder.

Note: The repetitive text in subregulations (1A) and (2) reflects the SI as Gazetted.

(3) A holder of a diving business licence shall ensure that –

(a) the diving business and its diving activity are supervised by a Divemaster or an Open Water Instructor, as the case may be, qualified under regulation 4;

(b) all persons supervising any diving activity conducted by the business has access to appropriate means of rapid diver recall and are equipped with an Alternate Air Source, depth Gauge, Divers Watch and Decompression Tables;

(c) any person availing himself of facilities provided by the business, hereafter referred to as a “client”, shall not dive alone;

(d) all dives by clients, wherever practicable, shall be within the internationally recognized No-Decompression limits, and that the standard safe speed of ascent and descent are observed at all times;

(e) operations involving deep diving activities, in excess of 25 metres, shall utilize an ascent/descent line with spare tanks and multiple moth-piece regulators at emergency decompression stop levels;

(f) any client shall either hold an internationally recognized Open Water Certificate or a certificate of equivalent standard or is given a formal tuition and assessment programme by an Open Water Instructor referred to in regulation 4(1)(a) in an area of confined water prior to open water activities.

(g) a client who does not hold an internationally recognized Open Water Certificate or a certificate of equivalent standard is accompanied by an Open Water Instructor until, in the opinion of the Instructor, he completes his dives in good control without undue stress or anxiety and ensures that thereafter he is accompanied by a Divemaster or an Open Water Instructor;

(h) Repealed by SI. 27 of 2003;

(i) all clients, other than those referred to in paragraph (h), are supervised by competent supervisors;

(j) all clients use diving buoyancy control devices or life jackets and regulators fitted with a submersible pressure gauge;

(k) diving equipment is not rented out to persons who do not possess an internationally recognized Open Water Certificate or a certificate of equipment standard and who are not accompanied by another person who holds a certificate of the same or higher standard;

- (l) all diving equipment used or hired by the business is in good repair;
- (m) all cylinders used by the business conform to appropriate standards and are hydrostatically tested and are internally inspected by visual means every 12 months by an officer or a test center approved by the Authority;
- (n) all diving cylinders used by the business are not filled unless they are within the test period appropriate to the specifications of the cylinders;
- (o) all cylinders used by the business in air bank installations are periodically inspected and tested as required by the specifications of the cylinders;
- (p) in static compressor installations and in mobile installations, where possible, cylinders used by the business are filled in a reinforced tank and immersed in circulating cold water;
- (q) all diving regulators used by the business are fitted with submersible pressure gauges for monitoring air supply;
- (r) scuba cylinders are filled at a dive centre only for persons who hold an internationally recognized Open Water Certificate or a certificate of a higher standard;
- (s) all compressors used for supply of breathing air conform to appropriate standards;
- (t) all supplies by the business of breathing air utilise filter systems to the appropriate standards and the filters replaced and the quality of air tested when requested by an officer of the Authority.
- (u) all air compressors and used by the business are placed in an area offering adequate ventilation and those driven by petroleum products have the intake in clean air;
- (v) all compressors used by the business are operated by trained operators conversant with possible dangers involved with the filling of high pressure Scuba cylinders and capable of operating the safety procedures and emergency shut down of the compressors;
- (w) a proper log hours run and oil and filter changes is kept for each compressor and made available for inspection;
- (x) he or his clients do not remove any shell, coral or any marine organism or hinder or molest any sea creature;
- (y) no damage is caused to the sea bed and to corals in anchoring

boats or in engaging in diving activities;

(z) no litter is thrown overboard or that nothing is done that would constitute pollution or defacement of the environment by the clients or its staff;

(aa) all laws relating to national parks and nature reserves are complied with;

(bb) all vessels engaged in or for the purpose of the business are not left unattended while being used in the business;

(cc) the policy of insurance referred to in regulation 4(1)(c) is kept in force during the validity of the licence,;

(dd) the Divemaster or Open Water Instructor, as the case may be, examines the equipment brought in by the clients to ascertain that they are in working order for the intended dive and refuses to serve unless they are in working order and safe for use;

(ee) the Divemaster or Open Water Instructor keeps a logbook on the number of dives made and their locations and produces the logbook for inspection by the Authority whenever required;

(ff) all incidents affecting safety or leading to injuries or damage to equipment or boat are recorded in an incident logbook with details of the incident, and the logbook is made available to the Authority at any time and that whenever a report is prepared for the Professional Association of Diving Instructors, a copy thereof is submitted to the Authority;

(gg) there is displayed in the office of the business a statement of the policy of the business, the emergency procedures, logbooks, form completion guidelines and other important operational information, while ensuring that all employees are trained in implementing the policy and procedures;

(hh) the Divemaster or Open Water Instructor accompanying a diving group exercises supervision and is responsible for the clients' safety until they return to the Diving Centre or business premises;

(ii) the Divemaster or Open Water Instructor is familiar with and has adequate knowledge of the Dive Site and that meteorological and maritime information (such as tide tables) is used by them;

(jj) a Divemaster or Open Water Instructor of the diving business is allowed to supervise not more than six budding pairs (12 divers) at a time;

(kk) the Divemaster or Open Water Instructor verifies that the documents produced by the client in relation to the client's

diving experience or qualifications are genuine, and that they do one supervised dive to determine the level of experience;

(ll) whenever a boat is out for diving there is in the dive centre or other business premises a clerk, receptionist or other employee who is familiar with emergency procedures;

(mm) a report in writing of any diving incident, involving a person missing at sea, injury or death is sent to the Seychelles Licensing Authority within 28 hours from the time of the incident, apart from reporting it to other authorities;

(nn) the maximum depth of 40 metres for all recreational diving is strictly observed.;

(3) The holder of a diving business (power diving) licence shall, in addition to any other conditions the Authority may specify in the licence, fulfill the following conditions –

(a) ensure that his clients comply with the student guide of the Introductory Dive Certificate issued by Power Dive International;

(b) ensure that the minimum age for open water introductory power diving is 12 years;

(c) ensure that the number of hours for introductory power diving are from 2 to 8;

(d) ensure that the maximum participant: instructor ratio for open water diving activities is 6:1 for introductory power diving unless the Authority has permitted otherwise;

(e) during open water introductory power dives ensure that participants remain in the immediate vicinity of an instructor so that physical contact can be made at any time and that when only one instructor conducts a dive, “Indian file” is not permitted;

(f) during open water introductory power dives, ensure that participants do not exceed a depth of 12 metres and that the instructor does not engage in any activity other than supervision; and that, if other activities such as video or photography are conducted, then a separate dive leader is engaged for the video or photography activities;

(g) ensure that prior to commencing the dive participants perform in the water, but while still on the surface, a mask clear and regulator removal and replacement, correct weight setting for neutral buoyancy and weight belt jettison manoeuvre; and

(h) issue on completion of the dive, the Introduction to Power Dive Card;

5A. Whenever any change of ownership or management of the diving business for which a licence has been granted or any replacement of an Open Water Instructor or a Divemaster of such business occurs, the holder of the licence shall, within seven days of such occurrence, inform the Authority and the Principal Secretary of the Ministry responsible for Tourism of such change or replacement, in writing, giving particulars of such change or replacement including the qualifications and experience of the new manager, Open Water Instructor or Divemaster, as the case may be.

5B. Every licence holder who as owner or otherwise uses a hirecraft diving boat shall, without prejudice to any other law governing hirecrafts –

- (a) keep the hirecraft in good condition and well maintained;
- (b) engage a crew of at least two persons including the coxswain;
- (c) have a functioning telephone or radio transmitter on board;
- (d) carry on board a sufficient quantity of fuel for each trip and for changes of dive plans;
- (e) carry on board a spare dive bottle and regulator;
- (f) ensure that the crew are proficient in recalling methods for use in the event of a sudden deterioration of weather conditions;
- (g) ensure that when the divers are underwater the diving boat has the international diving flag hoisted and that the boat is stationed in the vicinity of the divers.

5C. An application for a Diving Business (Power Diving) licence shall be accompanied by the following documents –

- (a) in the case of an individual applying for the licence;
  - (i) a certified copy of the Instructor's qualification issued by the Power Dive International or other recognized body, as required under regulation 4(1A);
  - (ii) letter of approval to carry on the business from the Ministry responsible for Tourism;
  - (iii) a copy of the policy of insurance as required, in regulation 4(1)(c);
  - (iv) the annual licence fee as set out in Schedule 1;
  - (v) documentary proof to the satisfaction of the Authority that the applicant is the owner or lessee of the premises to be used as the office in connection with the business;
- (b) in the case of a firm matters specified in paragraph (a)(i) in

respect of each partners of the firm and documents specified in paragraph (a)(ii), (iii) and (iv) where applicable;

(c) in the case of a corporate body –

(i) a certified copy of the certificate of incorporation and memorandum of association;

(ii) matters specified in paragraph (a)(i), (ii), (iii), (iv) and (v);

(iii) documentary proof to the satisfaction of the Authority that the applicant has in employment a person having the necessary qualifications referred to in paragraph (a)(i).

6. A diving business licence granted under these regulations is valid for 12 months from the date of grant unless revoked earlier by the Authority and is not transferable except with the prior written consent of the Authority.

6A. The Authority may suspend, revoke or refuse to grant a renewal of a licence if the holder of the licence has contravened any regulation or has acted in breach of any condition of the licence.

7. (1) Any person authorised by the Authority may at any time enter and search any premises used by the holder of the licence for the diving business and inspect any equipment used by the business or take extracts from any records or documents kept by the business.

(2) No person shall prevent, hinder or obstruct any person in the exercise of his functions under subregulation (1).

8. (1) A person who was the holder of a diving business licence and who applies after the expiration of the licence for the same type of licence, shall, unless the Authority is satisfied that he had, during the period between the expiration of his previous licence and his application, ceased to carry on the diving business, be liable, in addition to the licence fee and any other penalty under the Act, to a surcharge equal to 10% of the licence fee each month or part thereof which has elapsed from the date of expiration of the previous licence and the date of the lodging of his application.

(2) Where an application for a diving business licence under these Regulations is refused, the Authority shall refund the licence fee and surcharge to the applicant.

9. (1) A licence to engage in the business of a dive centre shall enable the holder of the licence to engage in the business of a dive operator.

(2) A licence granted under these Regulations shall specify the activity for which the licence is granted.

(3) Notwithstanding the Licences (Trade) Regulations, the holder of a

diving business licence to engage in the business of a dive centre may, subject to the Trades Tax Act, import and sell any goods where the holder supply them as a part of the business of the dive centre for which the holder holds a licence.

10. (1) No person shall bring a vessel within a radius of 150 metres of a vessel displaying the Diving Flags referred to in regulation 5(1)(b) or a surface marker buoy displaying the flags.

(2) Any person who contravenes subregulation (1) is guilty of an offence and is liable on conviction to a fine of R.5000.

11. (1) The holder of a diving business licence to engage in the business of a dive centre may, with the permission of the Authority, open a branch of its business in any island other than the island where it has its principal place of business.

(2) The Authority shall not grant permission under subregulation (1) to open a branch unless the Authority is satisfied that the proposes branch conforms to the requirements of a dive centre.

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## **SCHEDULE 1 - FEES**

### *Reg.3*

1.	Processing an application for a licence	R.50
2.	Licence fee for a Diving Business Licence	
(i)	as a dive operator	R.7000
(ii)	as a dive centre	R.10,000
(iii)	for each branch office of a dive centre	R.1,000
3.	Licence fee for a Diving Business (Power Diving) licence	R.2000

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## **SCHEDULE 2**

### *Reg.5(1)(b)*

A. International Sports Diving Flag to be displayed by vessels with Sport Divers internationally. To be hoisted on a different halyard from that bearing the International Code Flag.

Note: Diagram of flag (60 cm x 75 cm, white diagonal stripe on red) not reproduced in this

document.

B. International Code Flag to be displayed by all vessels and divers in international and foreign waters. To be hoisted on a different halyard from that bearing the International Sports Diving Flag.

Note: Diagram of flag (35 cm white square and 40 cm blue forked rectangle) not reproduced in this document.

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**SUBSIDIARY LEGISLATION: LICENCES (PETROLEUM STORAGE AND SALE) REGULATIONS.**

*[31st March, 1987]*

S.I.19 of 1987  
S.I. 24 of 2012

1. These Regulations may be cited as the Licences (Petroleum Storage and Sale) Regulations.
2. (1) An application to licence a petroleum warehouse shall be in the Form provided by the Authority.  
  
(2) Subregulation (1) shall not apply to a Government petroleum warehouse.
3. Before granting a licence in respect of an application under regulation 2, the Authority shall consult –
  - (a) the Ministry responsible for Planning as to whether the warehouse is positioned and constructed in accordance with the Petroleum Act;
  - (b) the person in charge of the Fire and Rescue Services Agency as to whether the warehouse is equipped with the necessary fire protection equipment and as to whether necessary precautions against fire had been taken in respect of the warehouse; and
  - (c) the Ministry responsible for Defence;
4. An application to licence a petroleum supply pump shall be in the Form provided by the Authority.
5. Before granting a licence in respect of an application under regulation 4 the Authority shall consult –
  - (a) in the case of a fixed supply pump, the Ministry responsible for Planning as to whether the pump and the storage tank to be used in connection with it are positioned and constructed in accordance with the Petroleum Act;

(b) in the case of a movable supply pump, the Ministry responsible for Planning as to whether the pump and the tank accompanying it are constructed in accordance with the Petroleum Act and the Ministry approves the places where the pump will be placed;

(c) the person in charge of the Fire and Rescue Services Agency as to whether the necessary fire protection equipment and fire protection precautions have been installed and taken; and

(d) the Ministry responsible for Defence.

6. (1) An application for a licence to deal in or sell petroleum shall be in the Form provided by the Authority.

(2) Subregulation (1) shall not apply to a dealing in or sale of kerosene by retail.

7. (1) Where the petroleum is to be stored in a warehouse or a pump, an application under regulation 6 shall be accompanied by the petroleum warehouse licence or the petroleum pump licence, as the case may be.

(2) Where the petroleum is not to be stored in a warehouse or in a pump, the Authority, before granting a licence, shall consult –

(a) the Ministry responsible for Planning as to whether the containers and the building where the petroleum is to be stored are in conformity with the Petroleum Act;

(b) the person in charge of the Fire and Rescue Services Agency as to whether necessary fire protection equipment and precautions have been installed and taken; and

(c) the Ministry responsible for Defence.

8. (1) An application under regulation 2, regulation 4 or regulation 6 shall, subject to subregulation (2), be accompanied by the fees set out in the Schedule in respect of each licence applied for.

(2) A person who was the holder of a licence and who applies, after the expiration of the licence, for the same type of licence shall, unless the Authority is satisfied that he had, during the period between the expiration of his previous licence and his application, ceased to carry on the activity for which he was previously licensed, be liable, in addition to the licence fee and any other penalty under the Act, to a surcharge equal to 10% of the licence fee for each month or part thereof which has elapsed from the date of the expiration of the previous licence and the date of the lodging of his application.

(3) Where the application is refused the Authority shall refund the licence fee and the surcharge to the applicant.

9. (1) A licence granted under these Regulations shall be valid for a period

of 5 years unless revoked by the Authority.

(2) A licence to deal in or sell petroleum may, with the permission of the Authority, and subject to such conditions as the Authority may impose, be transferred.

10. The holder of a licence under these Regulations shall display the licence at a conspicuous place at his principal place of business.

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### SCHEDULE – FEES

*Reg. 8(1)*

1.	Licence fee for 5 years	SCR
(i)	petroleum warehouse	1,200
(ii)	fixed supply pump to store petroleum other than kerosene	500
(iii)	fixed supply pump to store kerosene	500
(iv)	movable supply pump to store petroleum other than kerosene	500
(v)	movable supply pump to store kerosene	500
(vi)	dealing in or sale of petroleum where storage capacity exceeds 1000 litres	2,000
(vii)	dealing in or sale of petroleum where storage capacity is less than 1000 litres	250

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### SUBSIDIARY LEGISLATION: LICENCES (CASINO) REGULATIONS

*[31st March, 1987]*

SI.17 of 1987  
SI.2 of 1988  
SI.12 of 1993  
SI.18 of 1994  
SI. 52 of 1997  
SI. 28 of 1999  
SI. 69 of 2011

1. These regulations may be cited as the Licences (Casino) Regulations,
2. In these Regulations –  
“bank” for the purposes of regulation 7(7) means a bank licensed to

transact banking business;

“casino” means the premises specified in the casino licence as the casino;

“foreign currency” means –

(a) any currency other than Seychelles currency;

(b) any notes of a class which are or have at any time being legal tender in any place outside Seychelles;

“gaming” means the playing (including playing on a gaming machine) of a game of chance for winnings in money’s worth, whether any person playing the game is at risk of losing any money or money’s worth or not;

“game of chance” or “game” does not include any athletic game or sport but includes –

**Note: omitted text reflects SI as Gazetted**

but in determining for the purposes of these Regulations whether a game which is played otherwise than against one or more other players, is a game of chance and skill combined, the possibility of superlative skill eliminating the element of chance is to be disregarded;

“gaming machine” means a machine used for gaming but does not include a roulette wheel;

“tip” means a gift in any form and under any name, and includes a gratuity, reward, bounty, donation and present;

“winnings” includes any prizes or other winnings of any kind and any reference to the amount or payment or acceptance of winnings is construed accordingly.

3. An application for a casino licence shall be in the Form provided by the Authority.

4. Before granting a licence the Authority shall consult –

(a) the Ministry responsible for Finance;

(b) the Ministry responsible for Planning as to whether the premises comply with all planning requirements under the laws of Seychelles;

(c) the person in charge of the Fire Services Agency as to whether the premises comply with all the planning requirements relating to fire protection under the laws of Seychelles;

(d) the Department responsible for Public Health as to whether the premises comply with all health requirements under the laws of Seychelles;

(e) the Seychelles Tourism Board and;

(f) the Ministry responsible for Defence.

5. Notwithstanding sections 167, 170 and 173(c) of the Penal Code or any other law to the contrary, a casino licence shall authorise gaming, subject to and in accordance with the licence, by persons of or over 18 years in age who are not otherwise prohibited from being in the casino or taking part in gaming.

6. No person other than a company incorporated under the Companies Act, not being an overseas company within the meaning of that Act, shall be eligible to apply for a casino licence.

7. (1) A casino licence shall be subject to the following conditions –

(a) the licence shall not permit a person under 18 years of age to take part in gaming in the casino or be present in a casino;

(b) subject to subregulation (3), the licensee shall not or shall not knowingly permit any other person to, take part in gaming at the casino –

(i) if that person is not present in the casino at the time when the gaming takes place there; or

(ii) on behalf of another person who is not present in the casino at that time;

(c) subject to subregulation (4), the licensee shall not knowingly permit any person who is in any way –

(i) concerned in the management, regulation, supervision, control or administration of the casino or of any other casino in or outside Seychelles; or

(ii) employed in the casino or of any other casino in or outside Seychelles,

to take part in the playing of any game in the casino;

(d) subject to subregulation (5), the licensee shall not accept or shall not knowingly permit any of his employees to accept any tip in the casino;

(e) the licensee shall not permit any gaming –

(i) which is not authorized by the casino licence; or

(ii) which contravenes any conditions of the casino licence,

to take place in the casino;

(f) the licensee shall not pay or compel or induce any person to accept any winnings in foreign currency;

(g) subject to subregulation (6) and except in accordance with the conditions of the casino licence, the licensee shall not in any place or shall not knowingly permit any other person in the casino to –

- (i) make any loan to any person;
- (ii) otherwise allow any credit to any person;
- (iii) release or discharge on another person's behalf the whole or part of any debt;
- (iv) accept a promissory note;
- (v) pledge any property,

either –

(aa) for enabling any person to take part in gaming in the casino; or

(bb) in respect of any losses incurred by any person in gaming in the casino;

(h) the licensee shall refuse to admit to and shall expel from the casino any person –

Note: Omitted text reflects SI as Gazetted

(i) the licensee shall exhibit in a conspicuous place in the casino

–

- (i) a copy of the casino licence;
- (ii) a notice specifying –
  - (aa) the games, gaming machines and maximum stakes approved by the licence;
  - (bb) rules of any game played in the casino; and
  - (cc) the hours of opening of the casino;

(j) the licensee shall keep to the satisfaction of the Minister responsible for Finance, proper books of accounts and records of all transactions connected with the operation of the casino and shall cause all such accounts and records to be audited by an auditor approved by the Minister.

(2) The Authority may in a casino licence –

(a) specify the number of tables authorized for the playing of

games;

(b) specify the numbers and type of gaming machines authorized and the maximum stakes for those gaming machines;

(c) specify the games permitted to be played and the maximum stakes for those games;

(d) specify matters relating to the method of operation of the games or gaming machines;

(e) stipulate the operation of the casino with decency, dignity, good taste and honesty;

(f) specify the books, accounts and records to be kept;

(g) specify the terms on which credit may be given for gaming.

(3) Where in a game which involves playing or staking against a bank, if a person acting on behalf of the licensee and present in the casino at the time, holds the bank or has a share or interest in it, the licensee shall not be treated as having contravened the condition set out in subregulation (1)(b).

(4) Where a person is employed by the licensee as a croupier to enable other persons to play the game, the licensee shall not be treated as having contravened the condition set out in subregulation (1)(c).

(5) Where the licence accepts for distribution to a person employed in the casino tips placed in cagnottes or boxes provided by the licensee for placing tips, the licensee shall not be treated as having contravened the condition set out in subregulation (1)(d).

(6) The payment or acceptance of payment by way of cheque (which is not a post-dated cheque), a credit card, or a traveller's cheque for cash or tokens for enabling a person to take part in gaming in a casino shall not be treated as a contravention of the condition set out in subregulation (1)(g).

(7) Where a licensee accepts payment in the manner set out in subregulation (6), he shall within such period as may be specified in the conditions in the casino licence, cause the cheque or traveller's cheque to be delivered to a bank for payment or collection or cause the credit card voucher to be remitted for collection, as the case may be.

(8) Nothing in Articles 1965 to 1967 of the Civil Code of Seychelles affects the validity of, or any remedy in respect of, any promissory note, cheque, credit card or traveller's cheques which is accepted in exchange for cash or tokens to be used by a player in gaming in a casino.

(9) Where an employee of the licensee or any person acting on behalf of or under any arrangement with the licensee contravenes any conditions of the casino licence of the licensee, the licensee shall be liable for such contravention as if he had personally committed the contravention unless he proves that he had

used due diligence and taken all reasonable steps to prevent such contravention and that the contravention was committed without his knowledge, consent or connivance.

8. (1) The Authority may, on application under regulation 3, grant a casino licence for a period of one year or five years.

(2) Where a casino licence is granted for a period of five years, the holder of the licence shall pay the annual licence fee, for the period subsequent to the first year, on or before the beginning of each subsequent year.

(3) A casino licence granted –

(a) for a period of one year shall cease to be valid at the end of that year;

(b) for a period of five years shall, where the holder of the licence –

(i) fails to pay the annual licence fee in accordance with subregulation (2), cease to be valid at the beginning of the year for which the annual licence fee is due and payable;

(ii) pays the annual licence fee in accordance with subregulation (2), cease to be valid at the end of five years.

(4) A casino licence is not transferable.

9. (1) An application for a casino licence shall, subject to subregulation (2), be accompanied by the fees set out in the Schedule.

(2) A person who was the holder of a licence and who applies, after the expiration of the licence, for a licence shall, unless the Authority is satisfied that he had, during the period between the expiration of his previous licence and his application, ceased to operate a casino, be liable, in addition to the licence fee and any other penalty under the Act, to a surcharge equal to 10% of the licence fee for each month or part thereof which has elapsed from the date of the expiration of the previous licence and the date of the lodging of his application.

(3) Where the application is refused the Authority shall refund the licence fee and the surcharge to the applicant.

10. (1) No person is liable in respect of winnings from a casino to any taxation or duty imposed by law in respect of income, whether gross or not, profits or gifts or to any duty, fee, rate, cess or other impost under any law.

(2) For the avoidance or doubt, in this regulation “winnings” does not include any winnings, profit or other income of the licensee or any employee of, or person acting on behalf of, or under any arrangement with the licensee.

11. Notwithstanding anything in the Penal Code or in any other law, gaming

in a casino in terms of a casino licence does not constitute the casino as a gaming house.

12. (1) Any person authorized by the Authority or a police officer of the rank of inspector or above may at any time –

- (a) enter, inspect and search a casino;
- (b) without warrant search any person found in the casino;
- (c) demand that the licensee produces the licence for examination.
- (d) inspect any book of account, record or other document required to be kept under regulation 7 or used in connection with the casino;
- (e) require the licensee or any employee or person acting on behalf of the licensee to furnish any information relating to the casino which is reasonably required for the performance of his functions;
- (f) inspect the equipment, supplies or other thing used in connection with the casino;
- (g) require the licensee to repair or replace any equipment found to be defective; and
- (h) seize and remove from the casino anything in respect of which he has reasonable grounds of believing that an offence under the Act is being or has been committed.

(2) No female shall be searched under this regulation except by a female.

(3) A person authorized by the Authority or a police officer of the rank of inspector or above acting under this regulation may take with him such other persons and things as he considers necessary for the purposes of this regulation.

(4) The Controller of Taxes, or any officer authorized by him, may, in exercise of his functions under any written law, at any time, enter a casino and inspect books, documents and other paper for the purposes of the written law and may impound or make extracts from or copies of any such books, documents or papers.

13. No person shall prevent, hinder or obstruct a police officer, a person authorized by the Authority, the Controller of Taxes or any officer authorized by the Controller of Taxes in the performance of his functions under the Act or any other written law.

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## **SCHEDULE - FEES**

*Reg. 9(1)*

1.	An annual licence fee for keeping a casino	R1,000.000;
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## **SUBSIDIARY LEGISLATION: LICENCES (MISCELLANEOUS SERVICES) REGULATIONS**

*[31st October, 2011]*

SI.64 of 2011

1. These Regulations may be cited as the Licences (Miscellaneous Services Regulations).
2. In these Regulations –
  - “commission agent” means any person who by way of business transacts or arranges business for any other person in consideration of a commission or other remuneration;
  - “draughtsman” means a person who makes and designs plans and drawings of construction work within the scope of work permitted under schedule 4;
  - “labour contractor” means any person carrying on the business of employing labour in any activity which is not licensable under these Regulations, e.g. the provision of security services, refuse collection and disposal services;
  - “handicraft person” means a person whose trade or profession involves the use of manual and artistic skills to produce artefacts, craftworks and other objects;
  - “refrigeration mechanic or technician” means a person who has followed an approved training course for the repair and maintenance of refrigeration equipment including decommissioning Ozone Depleting Substances (ODS).
3. (1) Notwithstanding any written law and subject to subregulation (2), a person shall not, without a licence under these Regulations, charge a fee or receive any other consideration in cash or in kind for providing services as –
  - (a) aircraft agent
  - (b) advertising agent
  - (c) baker;
  - (d) beautician;
  - (e) butcher;

- (f) carwasher;
- (g) commission agent;
- (h) dealer in pesticides;
- (i) draughtsman (Class I, II, III & IV);
- (j) driving instructor;
- (k) garage owner;
- (l) hairdresser;
- (m) labour contractor;
- (n) operator of laundry and dry cleaning services;
- (o) printer;
- (p) patent or trade mark agent;
- (q) refrigeration mechanic and technician;

(2) Subregulation (1) shall not apply to an individual –

(a) who is employed by the holder of a licence to provide any of the services referred to in subregulation (1) and who in the course of his employment with, and for and on behalf of, the holder of a licence is licensed under subregulation (1), or

(b) who is employed by another person to provide any of the services referred to in subregulation (1) and who in the course of his employment provides the service to his employer.

4. (1) Application for a licence to provide services referred in regulation 3(1) shall be in the form provided by the Authority and shall, subject to subregulation (2) of this regulation and regulation 15, be accompanied by the fees set out in schedule 2.

(2) Where an application for a licence is refused, the Authority shall refund the licence fee and the surcharge, if any to the applicant.

5. An application for a licence under these Regulations shall be accompanied by the documents specified in schedule 1 as applicable to the relevant services.

6. Prior to granting a licence to provide any of the services referred to in regulation 3(1) the Authority shall consult the public bodies or persons specified in Schedule 3 as applicable to the relevant services.

7. The Authority shall not grant a licence under these Regulations to –

(a) an individual who –

- (i) is less than 18 years old;
- (ii) is an undischarged bankrupt; or
- (iii) within five years preceding the date of the application, has been convicted of an offence involving dishonesty;

(b) a firm, which does not have a place of business in Seychelles or where any of the partners are disqualified from obtaining a licence under paragraph (a);

(c) an applicant who as a licence holder has breached the Licences Act, Regulations or the conditions of the licence, within three years preceding the date of application.

8. (1) A licence to provide services as Draughtsman shall be granted in accordance with the categories and scope of work referred to in schedule 4.

(2) A licence to provide services as a repairer of electrical apparatus shall not include the repair, maintenance, servicing and installation of refrigeration equipment. In order to provide such services a Refrigeration Mechanic's licence shall be required.

9. (1) Notwithstanding the Licences (Trade) Regulations, the holder of a licence under these Regulations may import and sell any goods where this is required to supply the goods as part of the service for which he holds a licence on any premises approved by the Authority.

(2) A newspaper licence shall also authorise the holder of that licence to provide services as a printer.

10. (1) A licence to provide any of the services referred to in regulation 3(1) shall, in addition to the requirements of any conditions which the Authority may specify in the licence, require the holder of the licence to –

(a) to provide services or work of good quality and to observe the deadline for completion of work agreed with clients;

(b) be of good conduct in the course of carrying out trade or providing services;

(c) ensure that the premises used for the business does not give rise to nuisance by reason of noise, smell, dirt and fumes to any adjoining properties and occupiers thereof;

(d) ensure that the premises meet the requirements and standards set by the Department of Public Health;

(e) be courteous to persons seeking the services and ensure that the employees of license holder do likewise;

(f) keep the licensed place or premises clean at all times;

- (g) take adequate steps to ensure that there is no over-crowding;
- (h) store all materials in such a manner and in such a state as to prevent the emission of noxious or offensive effluvia therefrom;
- (i) comply with standards declared under the law in respect of products or services;

(2) A person licensed to provide the services of a dealer in pesticides shall comply with the Pesticides Act;

(3) Where the holder of a licence is a corporate body or a firm, the director shall inform the Authority of any change of management, directors, partners and shareholders or change in the employment of the person or persons qualified to provide the services and in the case of a change of partner that the incoming or remaining partner is qualified to provide the service.

(4) A person licenced to provide the services of a Draughtsman shall-

- (i) write his name and sign all drawings prepared by him; and
- (ii) not to sign drawings prepared by any other person;
- (iii) abide by the extent of works and class of projects permitted to be undertaken by the holder of the licence which may be subjected to revision at any time subject to 28 days notice of any such revision as and when applicable.

11. Where premises are required for the purpose of the services specified in an application for a licence the applicant shall –

- (a) ensure that the premises comply with the planning requirements under the laws of Seychelles in respect of the premises; and
- (b) provide proof of ownership or lease of the premises.

12. The holder of a licence shall display the licence at a conspicuous place at his principal place of business.

13. Subject to regulation 14, a licence under these Regulations shall be valid for a period of 5 years unless revoked by the Authority, and is non-transferable.

14. (1) If any licence holder –

- (a) made any misrepresentation or failed to disclose any material fact in applying for the licence, and the misrepresentation or non-disclosure influenced the Authority to grant the licence.
- (b) acted in contravention of the Licences Act or the regulations made under the said Act;

(c) contravened any condition of the licence;

(d) is in the opinion of the Authority, incapable of providing a proper service in case of poor service or no service having been provided in breach of the agreement;

(e) been convicted of any offence involving dishonesty, fraud or moral turpitude;

the Authority may suspend the licence granted for such period as may be determined or revoke the licence or disallow the application for the renewal.

(2) Where the Authority suspends, revokes or refuses to renew a licence, it shall immediately notify the holder of the licence in writing.

(3) A person whose Licence has been suspended shall not during the period of suspension trade or provide the respective services.

(4) A person whose licence has been revoked shall immediately cease to provide the respective services.

(5) A person whose licence has been suspended or revoked or whose application or renewal of licence has been refused may appeal to the Appeals Board.

15. A person who was the holder of a licence to provide any of the services referred to in regulation 3(1) and who applies, after the expiration of the licence, for a licence to provide the same service shall, unless the Authority is satisfied that he had, during the period between the expiration of his previous licence and his application ceased to provide the service, be liable, in addition to the licence fee and any other penalty under the Act, to a surcharge equal to 10% of the licence fee for each month or part thereof which has elapsed from the date of the expiration of the previous licence to the date of the lodging of his application.

16. The Licences (Miscellaneous Services) Regulations, 2000 are hereby repealed.

17. Any licence granted under the Licences (Miscellaneous Services) Regulations, 2000 and in force at the commencement of these Regulations shall continue until the expiry of the licence.

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## **SCHEDULE 1**

### *Regulation 5*

#### **Dealers in Pesticides**

##### **Documents**

Documents which shall accompany an application –

(a) in the case an individual

(i) a certificate of competence as a dealer in pesticides issued by the Registrar of the Pesticides Board;

(ii) documentary proof to the satisfaction of the Authority that the applicant is the owner or lessee of the premises;

(iii) planning approval for the use of the premises to store and deal in pesticides.

(b) in the case of a firm, the relevant certificate specified in paragraph (a) (i) in respect of each of the partners of the firm and a true copy of the certificate of registration of the firm and the documents specified in paragraph (a)(ii) and (iii);

(c) in the case of a corporate body, documentary proof to the satisfaction of the Authority that the corporate body has in its employment persons who have been issued with the relevant certificate referred to in paragraph (a) (i) and a true copy of the certificate of incorporation and memorandum and articles of association of the corporate body and the documents specified in paragraph (a) (ii) and (iii).

### **Driving Instructor**

#### **Documents**

Documents which shall accompany an application –

(a) in the case of an individual –

(i) a certificate of competency as a driving instructor from the Commissioner of Police;

(ii) documentary proof to the satisfaction of the Authority that the applicant has a minimum of five years experience as a licensed driver and has not been convicted of any traffic offence or a felony for the past five years; and

(iii) a character certificate from the Commissioner of Police;

(b) in the case of a firm, the certificate and documentary proof set out paragraph (a) in respect of each of the partners of the firm and a true copy of the certificate of registration of the firm;

(c) in the case of a corporate body –

(i) written proof to the satisfaction of the Authority that the corporate body has in its employment persons who satisfy the requirement, of paragraph (a); and

(ii) a true copy of the certificate of incorporation and the memorandum and articles of association of the corporate body.

### **Hairdresser**

#### **Documents**

Documents which shall accompany an application –

(a) in the case of an individual –

(i) a certificate of competency in hairdressing and design following the successful completion of a course at a recognised institution;

(ii) certificate of employment in a hairdressing salon in the capacity of a hairdresser for a period of not less than one year;

(iii) documentary proof to the satisfaction of the Authority that the applicant is the owner or lessee of the premises;

(iv) planning approval that the premises comply with all the planning requirements under the laws of Seychelles.

(b) in the case of a firm, the certificate and documentary proof set out in paragraph (a) (i) and (ii) in respect of each of the partners of the firm and a true copy of the certificate of registration of the firm and the documents specified in paragraph (a)(iii) and (iv);

(c) in the case of a corporate body written proof to the satisfaction of the Authority that the corporate body has in its employment persons who satisfy the requirements of paragraph (a) (i) and (ii) and a true copy of the certificate of incorporation and memorandum and articles of association of the body corporate and the documents specified in paragraph (a) (iii) and (iv).

### **Provider of Beautician**

#### **Documents**

Documents which shall accompany an application –

(a) in the case of an individual –

(i) a certificate of competency in Beauty Therapy following the successful completion of a course from a recognized institution;

(ii) a certificate of employment in a Beauty salon in the capacity of Beautician for a period of not less than one year;

(iii) documentary proof to the satisfaction of the Authority that the applicant is the owner or lessee of the premises;

(iv) planning approval that the premises comply with all the planning requirements under the law of Seychelles;

(b) in the case of a firm, the certificate and documentary proof set out in paragraph (a) (i) and (ii) in respect of each of the partners of the firm and a true copy of the certificate of registration of the firm and the documents specified in paragraph (a)(iii) and (iv);

(c) in the case of a body corporate, written proof to the satisfaction of the Authority that the corporate body has in its employment persons who satisfy the requirements of paragraph (a) (i) and (ii) and a true copy of the certificate of incorporation and memorandum and articles of association of the body corporate and the documents specified in paragraph (a) (iii) and (iv).

### **Refrigeration Mechanic or Technician**

#### **Documents**

Documents which shall accompany an application –

(a) in the case of an individual –

(i) a certificate of competency in the installation, repairing and servicing of refrigeration and air conditioning equipment including in decommissioning Ozone Depleting Substances (ODS) approved or issued by the Industrial Training Centre;

(ii) documentary proof to the satisfaction of the Authority that the applicant has a minimum of two years post qualifying experience in carrying out repair and maintenance of refrigeration equipment;

(iii) documentary proof to the satisfaction of the Authority that the applicant is the owner or lessee of the premises;

(iv) planning approval and certificate of occupancy that the premises to be used as the workshop comply with all the planning requirements under the laws of Seychelles;

(b) in the case of a firm, the certificate and documentary proof set out in paragraph (a) (i) and (ii) in respect of each of the partners of the firm and a true copy of the certificate of registration of the firm and the documents specified in paragraph (a)(iii) and (iv);

(c) in the case of a corporate body written proof to the satisfaction of the Authority that the corporate body has in its employment persons who satisfy the requirements of paragraph (a) (i) and (ii) and a true copy of the certificate of incorporation and memorandum and articles of association of the body corporate and the documents specified in paragraph (a) (iii) and (iv).

## **Draughtsman**

### **Documents**

(a) in the case of an individual, a certificate in Draughtsmanship or Building Construction or the equivalent with documentary proof to the satisfaction of the Authority that the applicant has the following years of experience:

Class I - a minimum of 8 years experience as a Draughtsman

Class II - a minimum of 4 years experience as a Draughtsman

Class III - a minimum of 2 years experience as a Draughtsman

Class IV- a minimum of 1 year experience as a Draughtsman

(b) in the case of a firm –

(i) the certificate and documentary proof set out in paragraph (a) in respect of each of the partners of the firm;

(ii) a true copy of the certificate of registration of the firm.

(iii) documentary proof of ownership and lease of the premises;

(iv) planning approval that the premises comply with all the planning requirements under the laws of Seychelles;

(c) in the case of a corporate body –

(i) written proof to the satisfaction of the Authority that the corporate body has in its employment persons who satisfy the requirements of paragraph (a);

(ii) a true copy of the certificate of incorporation and the memorandum and articles of association of the body corporate.

(iii) documentary proof that the applicant is the owner of the premises and lease of the premises;

(iv) planning approval that the premises comply with all the planning requirements under the laws of Seychelles;

### **Garage Owner**

#### **Documents**

Documents which shall accompany an application –

(a) in the case of an individual where services are to be provided by him or her –

(i) a certificate of competency in motor vehicle repair and maintenance and certificate of employment as a mechanic;

(ii) certificate of competence in motor vehicle repair and maintenance and of employment as a mechanic in respect of other persons to be employed by the applicant;

(iii) documentary proof to the satisfaction of the Authority that the applicant is the owner or lessee of the premises;

(iv) planning approval and certificate of occupancy that the premises to be used as a garage comply with all the planning requirements under the laws of Seychelles;

(b) in the case of a firm, the certificate and documentary proof set out in paragraph (a) (i) and (ii) in respect of each of the partners of the firm and a true copy of the certificate of registration of the firm and the documents specified in paragraph (a)(iii) and (iv);

(c) in the case of a corporate body written proof to the satisfaction of the Authority that the corporate body has in its employment persons who satisfy the requirements of paragraph (a) (i) and (ii) and a true copy of the certificate of incorporation and memorandum and articles of association of the body corporate and the documents specified in paragraph (a) (iii) and (iv).

## **Other Services**

### **Documents**

Documents which shall accompany an application –

(a) in the case where the applicant will personally provide the services and states that he has a certain standard of education, competence, skill or experience, a certificate showing that the applicant has the standard of education, competence, skill or experience;

(b) in the case of a firm where the partners of a firm will personally provide the services, a certificate showing that the partners of the firm have the standard of education, competence, skill or experience;

(c) in the case of a body corporate or where an individual or the partners in the firm will not personally provide the service, evidence to the satisfaction of the Authority that the body corporate, individual or firm possessing the standard of education, competence, skill or experience;

(d) where premises are required for the purposes of providing the services specified in the application, documentary proof that the applicant is the owner or lessee of the premises;

(e) in the case of a firm a true copy of registration of the firm and in the case of a corporate body a true copy of the certificate of incorporation and the memorandum and articles of association of the corporate body;

(f) in respect of an application requiring premises to carry out any of the following services, planning approval for the use of the premises to carry on the business;

Aircraft agent

Advertising Agent

Barber

Butcher

Carwasher

Commission Agent

Labor contractor

Operator of laundry and dry cleaning services

Patent and trade mark agent

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**SCHEDULE 2***Regulation 4***Licence Fees Payable for 5 years**

1.	Licence fee to provide services as	SCR
(a)	advertising agent	500
(b)	aircraft agent	3000
(c)	baker;	1200
(d)	beautician;	1200
(e)	butcher;	1200
(f)	carwasher;	1200
(g)	commission agent;	500
(h)	dealer in pesticides;	1200
(i)	driving instructor;	1000
(j)	draughtmans (Class I & II)	1000
	(Class III & IV)	
(k)	garage owner;	1200
(l)	hairdresser;	1200
(m)	patent/trademark agent;	1000
(n)	labour contractor	1000
(o)	operator of laundry and drycleaning services	1200
(p)	printer	1200
(q)	refrigeration mechanic	1000

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**SCHEDULE 3***Regulation 6*

### **Public Bodies to be consulted**

(a) Aircraft agent

- The Seychelles Civil Aviation Authority

(b) Baker

- The Department of Public Health
- Planning Authority

(c) Car washer

- The Department of Public Health
- The Ministry responsible for Environment

(d) Driving Instructor

- The Seychelles Land Transport Agency
- Commissioner of Police

(e) Draughtsman

- The Planning Authority

(f) Patent and/or Trade Mark Agent

- The Registrar General

(g) Electrical Contractor

- The Public Utilities Corporation

(h) Garage owner

- The Seychelles Land Transport Agency
- Planning Authority

(i) Hairdresser/Beautician

- Planning Authority
- The Department of Public Health

(j) Refrigeration Mechanic or Technician

- The Ministry responsible for Environment

(k) Labour Contractor

- The Ministry with portfolio responsibility for the type of service to be

provided including, in the case of security services, the Ministry responsible for Defence and Commissioner of Police.

(l) operator of laundry and dry cleaning services

- Planning Authority
- The Department of Public Health

(m) Dealer in Pesticides

- The Pesticides Board

(n) In respect of the services, the Ministry, Department or other public body responsible for the superintendence or management of the relevant services.

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#### **SCHEDULE 4**

*Regulation 8(1)*

#### **Scope of Work**

Draughtsman Class I

To make drawings and plans of construction works up to 500 m<sup>2</sup> in area

Draughtsman Class II

To make drawings and plans of construction works up to 250 m<sup>2</sup> in area

Draughtsman Class III

To make drawings and plans of construction works up to 150 m<sup>2</sup> in area

Draughtsman Class IV

To make drawings and plans of construction works up to 100 m<sup>2</sup> in area

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### **SUBSIDIARY LEGISLATION: LICENCES (ACCOMMODATION, CATERING AND ENTERTAINMENT ESTABLISHMENTS) REGULATIONS**

*[31st October 2011]*

SI.63 of 2011

#### **Citation**

1. These Regulations may be cited as the Licences (Accommodation, Catering and Entertainment Establishments) Regulations, 2011.

## **Interpretation**

2. In these Regulations, unless the context otherwise requires —

“cafe” means any establishment where coffee, tea, soft drinks, meals and refreshments are served and sold to customers for consumption on the premises;

“catering service” means the business of cooking, preparing and supplying meals, snacks, coffee, tea or soft drinks for parties, meeting, gatherings held either in a house, office or any other place;

“discotheque” means a place offering drinks and a floor show or dancing to the accompaniment of recorded or live music, to which persons are admitted on payment of a fee or otherwise;

“floor show” means a musical, dance or theatrical performance by a person, or a group of persons but excludes indecent act including stripping or striptease;

“hotel” means any establishment that provides lodging with or without food and drink to the public for hire, the rate of which is calculated on a daily basis;

“guesthouse” means an establishment with not more than 10 rooms that provides lodging with or without food and drink to the public for hire, the rate of which is calculated on a daily basis, in which the common facilities are for the exclusive use of its clients;

“premises” means the premises where a person is licensed to keep or manage any type of accommodation or establishment or activity under these Regulations;

“Planning Authority” mean the Planning Authority established under the Town and Country Planning Act;

“restaurant” means any establishment that prepares cooks and serves meals and beverages for sale to customers;

“self-catering establishment” means any establishment of one or more rooms rented or hired as one unit that provides lodging and self-catering facilities to the public in which the facilities and equipment are provided for self-catering;

“Seychelles Tourism Board” means the Seychelles Tourism Board established under the Seychelles Tourism Board Act;

“take-away business” means the business of preparing or selling meals and soft drinks to be consumed elsewhere than on the premises, except where approval has been given by the Authority for for consuming on the premises;

“tobacco product” has the meaning given in the Tobacco Control Act;

“weapon” means an object which may be used to cause harm to others or endanger the life of others and includes firearms, offensive weapons, ammunition and explosives defined in S84 (8) of the penal code.

### **Application for licence**

3. (1) The applicant shall apply to the Planning Authority for a certificate of occupancy prior to applying for a licence to keep or manage a hotel, guesthouse, restaurant, self-catering establishment, discotheque or cafe.

(2) An application for a licence referred to in sub regulation (1) shall be in the form approved by the Authority.

### **Fees and documents to accompany application**

4. (1) An application for a licence shall be accompanied by the licence fee specified in Schedule 1 and documents specified in Schedule 2.

(2) When an application for a licence is refused the Authority shall refund to the applicant the licence fee and the surcharge, if any.

### **Restriction on grant of licence**

5. The Authority shall not grant a licence to —

(a) an individual who —

(i) is less than 18 years old;

(ii) is an undischarged bankrupt; or

(iii) is not a fit and proper person to hold a licence due to the bad character or physical infirmity of the individual;

(iv) has, within the five years preceding the date of the application, been convicted of any offence involving dishonesty or immorality;

(v) does not have the qualifications and experience referred to in Schedule 2;

(b) to a firm, if any of the partners of the firm is disqualified from obtaining a licence under paragraph (a) (i) to (v);

(c) to a corporate body, if any of its directors or managers are disqualified under paragraph (a) (i) to (v).

### **Bodies to be consulted**

6. Prior to granting a licence, the Authority shall consult —

(a) in the case of a hotel, guesthouse, self-catering establishment or restaurant, the Seychelles Tourism Board as to whether the business complies with the tourism code of practice and

standards;

(b) the Department responsible for Public Health as to whether the premises comply with all health requirements under the laws of Seychelles;

(c) in the case of a discotheque, the Commissioner of Police;

(d) the Planning Authority as to whether the premises comply with all planning requirements under the laws of Seychelles;

(e) the Fire Services Agency.

### **Extended scope of licence**

7. (1) A licence to keep or manage a hotel shall, subject to these Regulations and any other laws regulating the sale, consumption and use of liquor and tobacco product, in so far as they are not inconsistent with these Regulations, authorize the holder of the licence to keep or manage a restaurant, or more than one restaurant, in accordance with the relevant standards, on the premises of the hotel and to sell liquor and tobacco product—

(a) to a bona fide guest in the hotel for consumption or use by the guest on the premises of the hotel;

(b) to any person in the public bar of the hotel for consumption or use the public bar;

(c) to any person taking meals in the restaurant of the hotel for consumption or use in the restaurant.

(2) A licence to keep or manage a guesthouse shall, subject to these Regulations and any other laws regulating the sale, consumption and use of liquor and tobacco product, in so far as they are not inconsistent with these Regulations, authorise the holder of the licence to keep or manage a restaurant in accordance with the relevant standards, on the premises of the guesthouse and to sell liquor and tobacco product to a bona fide guest in the guesthouse for consumption or use by the guest on the premises of the guesthouse.

(3) A licence to keep or manage a restaurant or café shall, subject to these Regulations and to any other laws regulating the sale, consumption or use of liquor or tobacco product, in so far as they are not inconsistent with these Regulations authorise the holder of the licence to sell liquor and tobacco product to any person taking meals in the restaurant or the cafe for consumption or use in the restaurant or cafe.

(4) A Licence to keep or manage a discotheque shall, subject to these Regulations and to any other laws regulating the sale, consumption of liquor and use of tobacco product, in so far as they are not inconsistent with these Regulations authorise the holder of the licence to sell liquor and tobacco product to any person during the hours of business for consumption or use on the premises of the discotheque.

(5) A Licence to keep or manage a hotel or a restaurant or a cafe shall authorise the holder of the licence to provide catering services.

(6) A licence to keep or manage a hotel shall authorise the holder of the licence to hold dances and floor shows for its bona fide guests and members of the public on payment of a fee or as otherwise decided by the management.

### **Conditions of licence**

8. The holder of a licence shall, in addition to any conditions the Authority may specify in the licence, fulfill the following —

(i) in the case of a licence to keep or manage a hotel, guesthouse, self catering establishment or restaurant —

(a) ensure that the premises comply with the standards laid down by the Planning Authority and the Seychelles Tourism Board;

(b) ensure that the premises comply with the standards of hygiene laid down by the Department responsible for Public Health;

(c) make necessary arrangements with the Land Waste Management Agency (LWMA) or other licenced refuse collector approved by the LWMA for the disposal of the rubbish from the premises, except for self-catering establishments of up to 7 rooms, and to ensure that the area surrounding the premises is kept clean;

(d) ensure that the premises is kept or managed by a person qualified to manage the particular type of premises as specified in Schedule 2;

(e) in the case of hotels, guesthouses and self-catering establishments, provide employees with a standard form of dress and a name badge to be worn while on duty;

(f) avoid making misleading or inaccurate statements, claims or representations in advertising material or otherwise in respect of the hotel, guesthouses, self catering establishment or restaurant and, in particular —

(i) make use of sketches, photographs or other pictorial representations to portray existing or proposed developments or non-existent scenes without indicating that such portrayal is a sketch or other pictorial representation and, where appropriate, that the proposed development or scene does not exist; and

(ii) make use of statements, sketches, photographs or other pictorial representations relating to facilities for sports, recreation or other facilities which do not exist at

the hotel, guesthouse, self catering establishment or restaurant or within the curtilage of hotel, guest house , self catering establishment or restaurant;

(iii) make derogatory or unfair references to any other person licensed to keep or manage a hotel, guest house , self catering establishment or restaurant;

(iv) permit any gaming, drunkenness, drug abuse or disorderly conduct of any kind to take place within the premises;

(ii) in the case of a licence to keep or manage a café or take- away business—

(a) avoid making derogatory or unfair references to any other person licensed to keep a cafe or engaged in a take- away business;

(b) not sell or permit the consumption of alcoholic liquor on the premises licensed as a take- away business;

(c) ensure that the premises comply with the standards laid down by the Planning Authority;

(d) ensure that the premises comply with the standards of hygiene laid down by the Department responsible for Public Health.

(e) ensure that the premises are kept or managed by a person qualified to manage that particular type of premises;

(f) ensure that the take-away box or plate used by the take-away business to supply meals bears a stamp, sticker or logo to identify the business premises; and

(iii) in the case of a licence to keep or manage a discotheque —

(a) not employ or allow a person under the age of 18 years or a person who has been convicted of an offence under any written law regulating the sale of, liquor to have custody or control of liquor on the premises;

(b) not sell liquor to a person who is in a state of intoxication;

(c) not encourage or incite a person already in a state of intoxicated;

(d) not permit any drunkenness, violence, drug abuse, quarrelsome or riotous behaviour of any kind on the premises;

(e) not allow liquor to be consumed on the premises at a time when it is not authorised under the licence to sell liquor;

- (f) not adulterate any liquor intended for sale to the public, or have in the license holder's possession adulterated liquor;
- (g) ensure that the premises comply with the standards laid down by the Planning Authority;
- (h) ensure that the premises comply with the standards of hygiene laid down by the Department responsible for Public Health;
- (i) ensure that two or more security officers are employed to maintain order at any time during the opening hours of the premises;
- (j) have on the premises a metal detector for the purpose of detecting any weapon hidden on a person seeking admission to the premises;
- (k) ensure that the premises are kept or managed by a person qualified to manage that particular type of premises;
- (l) ensure that the number of persons admitted to the premises at any time does not exceed the maximum number specified in the licence;
- (m) ensure that the premises are sound proofed to the satisfaction of the Authority.

#### **Change of management or ownership**

9. (1) The holder of licence to keep or manage a hotel, guesthouse or self-catering establishment shall not change the name of the hotel, guesthouse or self-catering establishment without the prior written approval of the Seychelles Tourism Board.

(2) The holder of the licence shall notify the Authority and the Seychelles Tourism Board in writing where there is any change in the management or ownership of a licensed establishment within ten days of the change.

#### **Restriction on sale of liquor and tobacco product**

10. The holder of a licence or the servant or agent of the holder of a licence shall not sell liquor or tobacco product to, or allow liquor to be consumed on the premises by, any person under the age of 18 years.

#### **Restriction on admission to discotheques**

11. The holder of a licence to keep or manage a discotheque shall not permit a person under the age of 18 years or who is unable to produce an identification document which proves to the satisfaction of the holder of the licence that the person is 18 years old or over to enter the premises except if the premises is being used for the purposes stated in regulation 28 (d).

(2) It shall not be a defence for the holder of a licence, who has contravened this regulation that the person admitted without proof of the person's age appeared to be 18 years old.

### **Particulars of guests**

12. (1) The holder of a licence to keep or manage a hotel, guest house or self catering establishment shall require every client seeking accommodation on the premises to furnish the following particulars —

- (a) full name;
- (b) nationality;
- (c) particulars of any identity card, passport or other travel document issued to the client;
- (d) address and place of origin of the client;
- (e) the probable length of the stay;
- (f) occupation and place of employment of the client, and
- (g) the time and date of arrival.

(2) The particulars referred to in sub-regulation (1) shall be entered in a guest card, in the case of a hotel, and a log book, in the case of guesthouse or self-catering establishment;

(3) The guest shall complete and sign the guest card or the log book as required before occupying a room, in the hotel, guesthouse or self catering establishment.

(4) Where a guest is unable to sign, the client shall place such other mark as the holder of the licence may require.

(5) On the departure of every guest the holder of the licence shall record the time and date of the departure of the guest in the guest card or log book.

### **Register of property left by guests**

13. (1) The holder of a licence to keep or managed a hotel, guesthouse or self catering establishment shall keep a register of any properties left on the premises of the hotel, guesthouse or self catering establishment by any guest.

(2) The register referred to in sub-regulation (1) shall be in such form as approved by the Seychelles Tourism Board.

### **Infectious diseases**

14. (1) In the event of any person in a hotel, a guesthouse or self-catering establishment, whether a guest or otherwise, contracting an infectious disease, the holder of the licence shall forthwith report to the Medical Officer of health or the

police.

(2) The holder of the licence shall carry out the instructions given by the Medical Officer of Health or the Commissioner of Police;

### **Deaths**

15. In the event of any death or absence of any guest of a hotel, guesthouse or self catering establishment, the holder of the licence shall without delay report such death or absence to the officer in charge of the nearest police station.

### **Maintenance of premises**

16. All premises licensed under these Regulations shall be kept clean and maintained in good order and repair at all times.

### **Disposal of refuse**

17. Refuse shall not be deposited in any part of the premises except in refuse bins.

### **Firefighting equipment**

18. (1) Firefighting equipment shall be fitted, installed and maintained in all licensed establishments, as applicable, to the satisfaction of the Fire and Rescue Services Agency.

(2) Where lifts are provided, they shall be kept in good and safe operational condition.

(3) All staircases, passages, landings and exists shall be kept clear of obstructions and doors constructed and fitted as to be capable of being readily opened.

### **Search of persons seeking admission to discotheques**

19. (1) Where a licence holder, the agent or servant of the licence holder suspects that a person, who is seeking entrance to the discotheque, is in possession of any weapon, the licence holder, the agent or the servant of the licence holder may require the person to submit to a search and if the person refuses to submit, the license holder, the agent or the servant of the licence holder shall refuse the person admission to the premises.

(2) A female person seeking admission to a discotheque shall only be searched by a female agent or servant of the licence holder.

(3) If during a search under this regulation a weapon or liquor is found on the person seeking admission, the licence holder, the agent or the servant of the licence holder shall refuse admission to the person onto the premises.

(4) A person shall not enter a discotheque with a weapon. except a police officer on duty or any other person acting under the authority of the Commissioner of Police.

(5) A person who contravenes this regulation commits an offence and is liable to a fine of not less than Scr 5000 and not exceeding Scr 50, 000 and to imprisonment for two years.

(6) The holder of a licence shall be in breach of the condition of the licence if a weapon which could have been detected by a metal detector required under regulation 8 (iii) (j) is found on the premises.

### **Power to refuse admission**

20. (1) The holder of a licence to keep or manage a hotel, guesthouse, self catering establishment, restaurant, cafe or discotheque, shall refuse to admit and expel from the premises any person —

- (a) who is drunk, violent, quarrelsome or disorderly,
- (b) whose presence on the premises would make the holder of the licence liable to a penalty under the Act or any other written law, or
- (c) who is prohibited by a notice under subregulation (2) from entering the premises; or
- (d) who refuses to submit to a search under regulation 19.

(2) The Commissioner of Police may issue a notice to a person who has been expelled from or refused admission on more than one occasion to the premises under sub-regulation (1) and who, in the opinion of the Commissioner of Police, has on the premises —

- (a) caused annoyance to any person;
- (b) caused a nuisance;
- (c) behaved in a manner likely to cause a breach of peace;
- (d) behaved in a disorderly or indecent manner;
- (e) publicly committed an indecent act;
- (f) used indecent or obscene language; or
- (g) solicited for immoral purposes, prohibiting that person for a specified period not exceeding 12 months from entering the premises specified in the notice.

(3) A notice under sub-regulation (2) shall be delivered personally to the person to whom it is addressed and copies of the notice together with a photograph of the person shall be sent to all licence holders of such premises and to the Authority.

(4) A person to whom notice has been delivered under sub- regulation (3) who fails to comply with the notice commits an offence and is liable on

conviction to imprisonment for a term of two years.

(5) A police officer may, at the request of the holder of the licence or the manager of the premises, expel or assist in expelling from the premises any person who has been refused admission to, or expelled from, the premises or who has been issued with a notice under this regulation.

#### **Admission to hotel, guesthouse, restaurant and bar**

21. A person licensed to keep or manage a hotel shall not refuse to admit to the restaurant or bar of the premises any person where the premises is not closed for a private function or the person has not been issued a notice under regulation 20.

#### **Suspension, revocation and non-renewal of licence**

22. (1) The Authority may suspend, revoke, or refuse to renew, a licence to keep or manage a hotel, guesthouse, self catering establishment, restaurant, cafe, discotheque or engage in a take-away business or provide catering services where the Authority has reasonable grounds to believe that the holder of the licence —

(a) has made any misrepresentation or failed to disclose any material fact in applying for the licence and thereby influenced the Authority to grant the licence;

(b) has acted in contravention of these Regulations;

(c) has contravened any conditions of the licence;

(d) is incapable of providing the services authorised by the licence;

(e) or the manager or any of the directors of the licence holder has been convicted of an offence involving dishonesty, fraud or moral turpitude;

(f) or the manager or any of the directors of the licence holder has hindered or obstructed any officer of the Authority or the Seychelles Tourism Board in the performance of any of their duties under these Regulations on at least two occasions within a period of one year;

(2) A person who is aggrieved by the Authority's decision to suspend, revoke or refuse to renew a licence under these Regulations may appeal to the Appeals Board.

(3) Where a licence is suspended or revoked, the licence holder shall cease to carry on the licensed activity.

#### **Validity of licence**

23. A licence shall be valid for 5 years unless revoked by the Authority, and is not transferable.

## **Display of licence**

24. The holder of a licence shall display —

(a) the licence at a conspicuous place at the licence holder's principal place of business;

(b) clearly and conspicuously on the premises of the hotel, guesthouse, selfcatering establishment, restaurant, cafe, take-away business for the information of clients and the public, where applicable, a list of the prices for accommodation, set meals, drinks and services provided by the licence holder;

(c) in a conspicuous place outside the hotel, guesthouse, self-catering establishment, restaurant, cafe or takeaway business a signboard showing the name and type of the establishment in English or French and such other language as the licence holder may require.

## **Licence fees**

25. (1) The licence fees payable under these Regulations are specified in Schedule 1.

(2) The licence fee in respect of a hotel, guesthouse, self-catering establishment, restaurant, cafe, discotheque, take away business or catering services is payable not later than the day immediately following its expiration. If the holder of the licence fails to pay the licence fee by the due day, the licence shall be deemed to have expired without prejudice to the right of the Authority to recover the fee or installment due on the date the licence is deemed to have expired.

## **Surcharges**

26. A person who was the holder of a licence and who makes an application, after the expiration of a licence, for the same type of licence, shall, unless the Authority is satisfied that the person had, after the expiration of the person's licence, ceased to carry on the activity that had been licensed, be liable, in addition to the licence fee and any other penalty under these Regulations, to a surcharge equal to 10% of the license fee for each month or part thereof constituting the period between the date of expiration of the licence and the date of the application.

## **Power of entry, inspection and search**

27. (1) Any person authorised by the Authority or a police officer not below the rank of sergeant may, at any time, enter a licensed premises or any building or place reasonably suspected of being used for the purpose of a hotel, guesthouse, self catering establishment, restaurant, cafe, discotheques, take-away business, or for providing catering services, for the purpose of ensuring compliance with these Regulations and make such search and inspection as is considered necessary.

(2) Without prejudice to the generality of the powers referred to in sub-regulation (1), any such person or officer referred to in sub-regulation (1) may —

- (a) inspect registers and other documents kept by the licence holder or occupant;
- (b) inspect the building and all parts thereof and the facilities for cooking and sanitation;
- (c) enter into rooms to identify clients; and
- (d) question the holder of the licence or occupant and employees.

(3) The holder of a licence shall provide all the necessary assistance possible to the person or police officer referred to in sub-regulation (1) to conduct such inspection or search.

(4) The person or police officer referred to in subregulation (1) shall provide proof of their identity or authorisation to the licence holder or the licence holder's servant prior to conducting any search or inspection referred to in sub-regulations (1) and (2).

### **Exemption**

28. These Regulations shall not apply to the following classes of premises or services provided therein —

- (a) student hotels approved by the Authority;
- (b) residential clubs and other institutions approved by the Authority;
- (c) any building used exclusively for the boarding of persons under the control of a religious institution, school of training institution;
- (d) licenced discotheque when the premises are being used upon the approval of the Authority to host —
  - (i) a private function;
  - (ii) an indoor sporting competition, fashion show or cultural show or other show where there is no restriction on the age of admission.

### **Repeal**

29. The Licences (Accommodation, Catering and Entertainment Establishments) Regulations, 2001 are hereby repealed.

### **Transitional provisions**

30. (1) Any licence granted under the Licences (Accommodation, Catering and Entertainment Establishments) Regulations, 2001 shall continue in force until the expiry of the licence.

(2) On the expiration of a licence to keep or manage a “Luxury villa” granted under the Licences (Accommodation, Catering and Entertainment Establishments) Regulations, 2001, the establishment shall be licensed as “self-catering” establishment.

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### **SCHEDULE 1**

*Reg 4 (1)*

#### **Licence Fees to be paid for 5 years**

		SCR
1.	Licence fee to keep or manage a cafe	1200
2.	Licence fee to engage in providing catering services	500
4.	Licence fee to keep or manage discotheque	2000
5.	Licence fee to keep or manage a hotel	100 per room
6.	Licence fee to keep or manage a guesthouse	1200
7.	Licence to keep or manage a restaurant	1500
8.	Licence fee to keep or manage self-catering establishment	1000
9.	Licence to engage in a take away business	1200

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### **SCHEDULE 2**

*(Reg 4(1))*

#### **DOCUMENTS TO ACCOMPANY APPLICATION**

1. Hotel, Guesthouse, Self Catering Establishments

(i) in the case of an individual applying for a licence to keep or manage a hotel, guesthouse or self-catering establishment —

- (a) where the number of rooms is 25 or above, a certified copy of a certificate showing that the applicant possesses a degree or diploma in hotel management from an institution of international reputation acceptable to the Authority and the Seychelles Tourism Board;
- (b) where the number of hotel rooms is 25 or above, documentary proof to the satisfaction of the Authority and the Seychelles Tourism Board that the applicant has the necessary experience and finance to keep and manage the type of hotel referred to in the application;
- (c) where the number of hotel rooms is 25 or above, documentary proof to the satisfaction of the Authority that the applicant has in his employment persons who are qualified to work as Chef and Human Resources Manager;
- (d) where the number of rooms is of 8 to 24, documentary proof to the satisfaction of the Authority and the Seychelles Tourism Board that —
  - (i) the applicant has the necessary experience in hotel management to keep or manage the type of establishment;
  - (ii) the applicant has the necessary finance to keep and manage the establishment; and
- (e) documents showing that the hotel, guesthouse or self-catering establishment has been registered as a business name under the Registration of Business Names Act;
- (f) proof of valid Insurance cover for public liability;
- (g) in the case of any application for a licence to keep or manage a new or renovated hotel, guesthouse or self-catering establishment of more than 7 rooms, planning approval that the premises comply with all the planning requirements under the laws of Seychelles;
- (ii) in the case of a firm or body corporate applying for a licence to keep or manage a hotel, guesthouse or self-catering establishment —
  - (a) in the case of a hotel of 25 or more rooms, documentary proof to the satisfaction of the Authority and the Seychelles Tourism Board that —
    - (i) the general manager of the premises possesses a degree or diploma from an institution of international repute acceptable to the Authority and Seychelles Tourism Board and has the necessary experience to keep and manage the type of establishment referred to in the

application;

(ii) the firm or body corporate will employ persons qualified to work as Chef and Human Resources Manager for this type of establishment;

(b) proof that the firm or body corporate has the necessary finance to keep and manage the type of establishment referred to in the application;

(c) in the case of a hotel of 8 to 24 rooms, documentary proof to the satisfaction of the Authority and the Seychelles Tourism Board that the firm or body corporate —

(i) has in its employment a person with the necessary experience in management to keep or manage this type of establishment;

(ii) the necessary finance to keep and manage the establishment; and

(d) documentary proof to the satisfaction of the Authority that the firm or body corporate is the owner or lessee of the premises;

(e) proof of valid insurance cover for public liability;

(f) in the case of an application for a licence for a new or renovated hotel, guesthouse or self catering of more than 7 rooms, planning approval that the premises comply with all the planning requirements under the laws of Seychelles;

(iii) in the case of a Seychellois applying for change of use from a residential to self-catering and where the establishment is not more than 7 rooms

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(a) documentary proof, to the satisfaction of the Authority, that the applicant is the owner or lessee of the premises;

(b) documentary proof that the applicant has a proven experience in tourism;

(c) proof of valid insurance cover for public liability;

(d) photographs and plans of the building;

(e) documentary proof that the business name of the establishment had been registered under the Registration of Business Names Act.

2. Restaurant, Cafe, Discotheque, Take-Away Business or Providing Catering Services

(i) in the case of an individual documentary proof to the satisfaction of the Authority that —

(a) the applicant has the necessary experience and finance to keep and manage the type of establishment to which the application refers;

(b) the business name of the establishment has been registered under the Registration of Business Names Act;

(c) the applicant is the owner or lessee of the premises;

(d) where the premises are to be used for catering services or takeaway business, approval of the Department of Public Health that the premises satisfies the health requirements under the laws of Seychelles;

(e) in the case of an application for a licence to keep and manage an establishment in new or renovated premises, planning approval and certificate of occupancy that the premises comply with all the planning requirements under the laws of Seychelles;

(f) in the case of discotheque, documentary proof of valid insurance cover for public liability.

(ii) in the case of a firm —

(a) the documents specified in paragraph 2 (i) (a) in respect of each of the partners of the firm and documents specified in paragraph 2 (i) (b) and (c) and where applicable 2(i) (d);

(b) true copy of certificate of registration of the firm;

(iii) in the case of a corporate body —

(a) a true copy of the certificate of incorporation and memorandum of association;

(b) documents specified in paragraph 2 (i) (a), (c), (d) and (e);

(c) documentary proof to the satisfaction of the Authority and the Seychelles Tourism Board that the applicant has in employment persons having the necessary experience to keep the type of establishment to which the application refers;

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