

CONSERVATION AND CLIMATE ADAPTATION TRUST OF SEYCHELLES (AMENDMENT) ACT, 2022

(Act 23 of 2022)

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title
2. Amendment of short title
3. Amendment of Act
4. Amendment of section 2
5. Amendment of section 5
6. Amendment of section 6
7. Amendment of section 7
8. Repeal and replacement of section 8
9. Amendment of section 9
10. Amendment of section 10
11. Amendment of section 11
12. Amendment of section 12
13. Amendment of section 13
14. Amendment of section 14
15. Amendment of section 15
16. Amendment of section 17
17. Amendment of section 18
18. Amendment of section 21
19. Repeal and replacement of section 23
20. Amendment of section 25
21. Amendment of section 26
22. Insertion of new section in Part IV
23. Amendment of section 31
24. Amendment of section 32
25. Transitional provision



**SEYCHELLES CONSERVATION AND CLIMATE ADAPTATION
TRUST (AMENDMENT) ACT, 2022**

(Act 23 of 2022)



I assent

A handwritten signature in black ink, appearing to read 'Wavel'.

Wavel Ramkalawan
President

13th October, 2022

**AN ACT TO AMEND THE CONSERVATION AND CLIMATE ADAPTATION TRUST
OF SEYCHELLES ACT.**

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Conservation and Climate Adaptation Trust of Seychelles (Amendment) Act, 2022, and shall be read and construed as one with the Conservation and Climate Adaptation Act Trust of Seychelles Act, 2015, which is hereinafter referred to as the “principal Act”.

Amendment of short title

2. The principal Act is amended by repealing the short title “Conservation and Climate Adaptation Trust of Seychelles Act, 2015”, wherever it appears, and substituting therefor the short title “Seychelles Conservation and Climate Adaptation Trust Act, 2015”.

Amendment of Act

3. The principal Act is amended by repealing the words “Conservation and Climate Adaptation Trust of Seychelles”, wherever they appear, and substituting therefor the words “Seychelles Conservation and Climate Adaptation Trust”.

Amendment of section 2

4. The principal Act is amended in section 2 —

- (a) in the definition of “administrative expenses” by repealing the words “prescribed by regulations” and substituting therefor the words “determined by the Board”;
- (b) in the definition of “Board” by repealing the words “and formally constituted under section 8(4)”;
- (c) in the definition of “budget” —
 - (i) in paragraph (ii) by repealing the word “and”
 - (ii) by inserting immediately after paragraph (iii) the following new paragraph —

“(iv) such other costs approved by the Board;”
- (d) in the definition of “Chairperson” by repealing the words
“appointed under section 10” and substituting therefor the words “designated under section 7(2)”;

- (e) by repealing the definition of “eligible protected area”;
- (f) in the definition of “ex officio Director” by inserting immediately after the words “section 7(2)(a)” the words “and (b)”;
- (g) by repealing the definition of “protected area”;
- (h) in the definition of “Seychelles system of protected areas” by repealing the words “and includes any other eligible protected area”;
- (i) in the definition of “special majority vote” by repealing the words “section 7(2)(b)” and substituting therefor the words “section 7(2)(c)”;
- (j) by inserting in the proper alphabetical order, the following new definitions —

““biodiversity” means the variability amongst living organisms from all sources including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part and includes diversity within species, between species and of ecosystems;

“business tax” means tax imposed under the Business Tax Act, Cap. 20;

“conservation” means protection of biodiversity including associated ecosystem and cultural values;

“Director” means a person appointed as a Director of the Board under section 7(2)(c) and, where the context permits, includes an ex officio Director;

“ecosystem” means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;

“non-governmental organization” means an organization, body or juristic person who is not under the control of any Government;

“protected area” means a clearly defined geographical space, recognised, dedicated and managed to meet the objectives for conservation or sustainable uses;

“sustainable use” means an activity that does not lead to the long term decline in the health and integrity of biodiversity;”.

Amendment of section 5

5. The principal Act is amended in section 5 —

- (a) in paragraph (a) by repealing the words “, and any other sources of funding”;
- (b) by renumbering paragraphs (b) and (c) as paragraphs (c) and (d), respectively;
- (c) by inserting immediately after paragraph (a) the following new paragraph —

“(b) explore, develop or administer any fund or source of funding, including but not limited to bonds, endowments, grants, investments, loans, guarantees or securities for the benefit of conservation, climate adaptation and mitigation or sustainable blue economy development;”.

Amendment of section 6

6. The principal Act is amended in section 6 —

- (a) in subsection (3) is amended by repealing the words “, subject to the condition that the aggregate of such payment does not exceed 5 percent of the annual revenue of the Trust

for any fiscal year or such higher amount as may be prescribed by regulations”.

- (b) in subsection (5) by repealing the words “or eligible protected area”.

Amendment of section 7

7. The principal Act is amended in section 7 by repealing subsection (2) and substituting therefor the following —

“(2) The Board shall comprise —

- (a) the Minister responsible for Environment who shall be an *ex officio* Director and the Chairperson;
- (b) a representative of The Nature Conservancy who shall be an *ex officio* Director and the Vice-Chairperson;
- (c) one Director with qualifications and experience in finance nominated by the Minister and appointed by the *ex officio* Directors;
- (d) one Director employed in the public service appointed by the *ex officio* Directors in consultation with the Minister;
- (e) five Directors not employment in Government appointed by the *ex officio* Directors;”

Repeal and replacement of section 8

8. The principal Act is amended by repealing section 8 and substituting therefor the following —

“Observers at the meetings of Board of Directors or Trust

(1) The Board may invite a person from outside the Trust, to be known as an “Observer”, who may observe or participate in any meeting of the Board or the Trust.

(2) The Board shall decide the rights and privileges of an Observer.”

Amendment of section 9

9. Section 9(5) of the principal Act is amended by repealing the words “, absence from Seychelles”.

Amendment of section 10

10. Section 10 of the principal Act is amended —

- (a) by repealing the words “, at the first meeting after its formal constitution under section 8(4),”
- (b) by repealing the words “Chairperson; Vice-Chairperson;”.

Amendment of section 11

11. Section 11(6) of the principal Act is amended by repealing the words “, by rules”.

Amendment of section 12

12. Section 12(1) of the principal Act is amended by repealing the words “specified by rules, subject to the Government policy applicable to the public bodies” and substituting therefor the words “as determined by the Board”.

Amendment of section 13

13. Section 13(1) of the principal Act is amended by repealing the words “in accordance with the procedures prescribed by rules”.

Amendment of section 14

14. Section 14 of the principal Act is amended by repealing the words “prescribed by regulations”.

Amendment of section 15

15. The principal Act is amended in section 15 —

- (a) in subsection (1) by repealing the words “, as soon as practicable after the first meeting of the Board but not later than 1 year from the commencement of this Act,”;
- (b) in subsection (3) by repealing the words “, subject to such restriction as may be prescribed by regulations,”.

Amendment of section 17

16. Section 17 of the principal Act is amended by repealing subsection (1) and substituting therefor the following —

“(1) No action shall lie or prosecution shall be brought, instituted or maintained in any court against an ex officio Director, a Director, the Chief Executive Officer, any staff of the Trust or a member of a committee established under section 13, if the act was done in good faith and in a reasonable belief that it was necessary for the purpose intended to be served by it and for the carrying into effect the provisions of this Act.”

Amendment of section 18

17. Section 18 of the principal Act is amended by repealing the words “A Director or the Chief Executive Officer of the Board” and substituting therefor the words “An ex officio Director, a Director or the Chief Executive Officer”.

Amendment of section 21

18. Section 21 of the principal Act is amended —

- (a) in subsection (5) by repealing the words “Any moneys shall not be paid out” and substituting therefor the words “No monies shall be paid out”;
- (b) in subsection (7) by repealing the words “the Public Finance Management Act, 2012” and substituting therefor the words “regulations”.

Repeal and replacement of section 23

19. Section 23 of the principal Act is repealed and there is substituted therefor the following —

“Eligibility for a grant

(1) Subject to this Act and the operational manual, the Trust may disburse the debt swap incomes or monies from any other fund or source of funding, as a grant, to —

- (a) a citizen of Seychelles;
- (b) a Ministry, Department or an Agency of the Government;
- (c) a non-governmental organization;
- (d) any other person or classification of persons that the Board may determine and notify by notice published in the Gazette,

if the person or entity specified in paragraphs (a) to (d) satisfy the criteria, priorities and procedures for the grant as determined by the Board.

(2) Subject to subsection (3), the debt swap incomes or monies from any fund or source of funding may be disbursed as a grant to be used to undertake any activity, approved by the Board, which is consistent with the objects of the Trust.

(3) The Trust shall not disburse the debt swap incomes or monies from any other fund or source of funding, as a grant, to undertake any activity relating to the extraction of non-renewable natural resources.

(4) For the purposes of this section (1)(d), the word “person” shall be construed as including any company, partnership or other juridical person”.

Amendment of section 25

20. Section 25(2) of the principal Act is amended by repealing the words “who shall cause them to be laid before the National Assembly”.

Amendment of section 26

21. Section 26 of the principal Act is repealed and there is substituted therefor the following —

“Limit on administrative expenses

26. The Trust may, in each fiscal year, use up to 30 percent of the debt swap incomes to meet the administrative expenses of the Trust.”

Insertion of New Section in Part IV

22. The principal Act is amended in part IV by inserting immediately after section 27 the following —

27A.(1) The Trust shall, not later than 6 months after the end of each financial year, submit to the Minister —

- (a) a report of the activities and operations of the Trust throughout the preceding financial year in such detail as the Minister may direct; and
- (b) a statement of the audited accounts of the Trust for the preceding year.

(2) A copy of the report and the statement of the audited accounts of the Trust referred to in subsections (1) and (2) shall be submitted to the National Assembly not later than three months from the date of receipt thereof by the Minister.

Amendment of section 31

23. Section 31 of the principal Act is amended by repealing paragraphs (a), (b), (d) and (e).

Amendment of section 32

24. Section 32 of the principal Act is amended —

- (a) by renumbering the section as subsection (1);
- (b) in subsection (1) —
 - (i) by repealing the words “The Trust shall make” and substituting therefor the words “The Board shall make”;
 - (ii) by repealing paragraph (b);
 - (iii) in paragraph (e) by repealing the full stop and substituting therefor a semi-colon;
 - (iv) by inserting immediately after paragraph (e) the following new paragraph —
 - “(f) staff rules.”
- (c) by inserting immediately after subsection (1) the following new subsection —
 - “(2) For the purposes of this section, the word “rules” shall be construed as guidelines that are binding on the Trust and such rules do not form part of the laws of Seychelles.”

Transitional provision

25. The Public Finance Management Act, 2012, shall continue to apply to the Trust until regulations are made by the Minister under sections 21(7) and 31 of this Act.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 28th September, 2022.



Ms. Alexandria Faure
Deputy Clerk to the National Assembly