

Conservation of Marine Shells Act, 1981

Article 1. - Short Title. - This Act may be cited as the Conservation of Marine Shells Act, 1981.

Article 2. - Interpretation. - In this Act, unless the context otherwise requires:

"exempt shell" means a shell specified in Schedule 3;

"explosives" has the meaning assigned in section 2 of the Explosives Act;

"foreshore" means the area between high and low water marks;

"lagoon" means the part (whether within or outside 400m from the low water mark) of the sea and sea-floor lying between a reef and the low water mark;

"Minister" means the Minister for the time being responsible for agriculture";

"protected shell" means a shell specified in Schedule 2;

"shell means, whether complete or partial,:

- (a) a marine mollusc; or
- (b) the outer hard covering of a marine mollusc; or
- (c) a marine mollusc and its outer hard covering;

"Shell Reserve" means an area specified in Schedule 1.

Article 3. - Ban on collection of shells in Reserves, etc. - (1) No person shall in a Shell Reserve specified in Schedule 1:

- (a) collect any shell from; or
- (b) disturb any shell or its natural environment on, a reef, rock, the bed of a lagoon or the sea or sea-floor within 400 m from the low water mark.

(2) For the avoidance of doubt, sub-section (1) does not apply to the collection of dead shells from the foreshore in a Shell Reserve.

(3) No person shall in any part of Seychelles collect a protected shell specified in Schedule 2 or disturb that shell or its natural environment.

Article 4. - Limit on possession of shells. - No person shall possess shells weighing more than 20 kg. in in total.

Article 5. - Ban on sale and purchase of unworked shells, etc. - (1) No person shall sell or purchase an unworked shell.

(2) No person shall sell or purchase a protected shell, whether it is worked or unworked.

(3) In this section:

(a) "sell" includes:

- (i) to sell by auction; or
- (ii) to offer or attempt to sell; or
- iii) to expose, display or advertise for sale; or
- (iv) to sell or hire under a hire-purchase or instalment sale agreement; or
- (v) to exchange or dispose of for any valuable consideration, and "purchase" is construed accordingly; and

(b) an "unworked shell"

- (i) means a shell which has not, by handwork, craft work or similar process, been made into a craft object or an article for some other purpose; and
- (ii) includes a shell which has only been washed, polished, varnished, or similarly coated; and
- (iii) includes any other category of shell prescribed by the Minister by regulations.

Article 6. - Ban or export of shells. - (1) Subject to sub-section (2) and (3), no person shall export any shell.

(2) Notwithstanding sub-section (1), shells may be exported for personal and non-commercial purposes as follows:

- (a) without a licence - not more than 2 kg in total; or
- (b) by a private collector under and in accordance with a licence granted by or on behalf of the Minister. - more than 2 kg but not more than 20 kg. in total.

(3) Notwithstanding sub-section (1), exempt shells may be exported under and in accordance with a licence granted by or on behalf of the Minister.

Article 7. - Restriction on use of explosives. - No person shall:

- (a) possess in a Shell Reserve; or

- (b) use in any part of Seychelles to blast coral or a reef, any explosives, explosive device or firework except under and in accordance with a licence granted by the Minister.

Article 8. - Exempt shells. - Sections 3, 4 and 5 do not apply to the exempt shells specified in Schedule 3.

Article 9. - Offences and penalties. - A person who contravenes any provision of sections 3, 4, 5, 6 or 7 of this Act is guilty of an offence and is liable to imprisonment for 6 months and to a fine of R. 5000.

Article 10. - Regulations. - The Minister may make regulations

- (a) prescribing any matters that are required or are necessary or are convenient to be prescribed for carrying out or giving effect to this Act; or
- (b) amending a Schedule to this Act; or
- (c) prescribing the fee to be paid for the issue of a licence under this Act.

Article 11. - Repeals. - (1) The Protection of Shells Act and the Protection of Shells Regulations are repealed.

- (2) Proclamation N° 18 of 1970 (exportation of shells) is repealed.

SCHEDULE 1

Section 3(1)

SHELL RESERVES

1. MAHE - NORTH EAST POINT AND ANSE NORD D'EST

The boundary line runs from a point on the shoreline (low water mark) at North East Point with grid coordinates 329890 E 9493370 N in a due east direction for a distance of 400 m., and then runs in a general north west direction on a line 400 m. from and parallel to the shoreline (low water mark) passing Anse Nord D'Est until reaching a point with grid coordinates 329320 E 9495320 N and then due west for 400 m. reaching the shoreline (low water mark) at a point with grid coordinates 328920 E 9495320 N and then along the low water mark in a south east direction passing Anse Nord D'Est to the starting point.

The area is fully shown on plan number ML/ADN/61 filed in the Chief Surveyor's Office.

2. MAHE - SOUTH EAST ISLAND TO POINTE AU SEL

The boundary line runs from a shoreline (low water mark) point at the Northeast corner of Sout East Island with grid coordinates 337500 E 9483400 N in a due north direction for 400 m., then on a line in a southwards direction 400 m. from, and parallel to the shoreline (low water mark) passing the east end of the Airport runway until reaching the reef edge due east of Anse Faure; then the line runs along the edge of the reef up a southwards direction passing Anse aux Pins, Le Cap, Anse aux Courbes until reaching a shoreline point on Pointe au Sel with grid coordinates 336920 E 9477000 N; thence returning in a northwards direction along the shoreline (low water mark) passing Anse aux Courbes, Le Cap, Anse aux Pins, Airport runway and South East Island to the starting point.

The area is fully shown on plan number ML/ADN/64 filed in the Chief Surveyor's Office.

3. LA DIGUE - LA PASSE BY POINTE CAP BARBI TO CAP BAYARD RIVER

The boundary line runs from the Jetty at La Passe on a line westwards for a distance of 400 m. passing through La Digue Lighthouse; then a line running northwards and then in a southeasterly direction 400 m. from and parallel to the shoreline (low water mark) passing Pointe Cap Barbi, Anse Severe, Anse Patates, Anse Gaulettes, Anse Grosse roche until reaching a point 400 m. due east of the mough of Cap Bayard River; there ther boundary runs due west for the distance of 400 m. until reaching the low water mark at the mouth of the Cap Bayard River, then in a northwest and southwest direction along the shoreline (low water mark) passing Anse Grosse Roche, Anse Gaulettes, Anse Patates, Anse Severe to the starting point.

The area is fully shown on plan number ML/ADN/62 filed in the Chief Surveyor's Office.

4. PRASLIN - ANSE BOUDIN TO POINTE ZANGUILLES

The boundary line runs from a point on the shoreline (low water mark) 270m. north of the mouth of Mon Desir River, then in a due east direction for 400m., then in a southeast direction on a line 100m. from and parallel to the shoreline (low water mark) passing Anse Boudin, Anse Takamaka, Anse Possession, Anse Petite Cour to a point 400 m. due north of the lighthouse at Pointe Zanguilles Thence in a due south direction for 400 m. to the lighthouse, and then along the shoreline passing Anse Petite Cour, Anse Possession, Anse Takamaka, Anse Boudin to the starting point.

The area is fully shown on plan number ML/ADN/63 filed in the Chief Surveyor's Office.

SCHEDULE 2

Section 3(3)

PROTECTED SHELLS

Triton Conch (Lancive)

SCHEDULE 3

Exempt Shells

Bernique
Bigorneau
Burgot
Chicoret
Hache d'Armes
Huitre (edible)
Huitre (mother of pearl)
Mouque
Octopus
Palourde
Squid
Tec Tec