



LAWS OF SEYCHELLES

CONTROL OF HIRE CRAFT ACT

CHAPTER 46

REVISED EDITION 1991

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THE GOVERNMENT PRINTER

CHAPTER 46

CONTROL OF HIRE CRAFT ACT

[1st April, 1973]

ARRANGEMENT OF SECTIONS

Act 4 of 1967.
Act 24 of 1973.
S.L. 95 of 1975.
Act 23 of 1976.
Dec. 23 of 1978.
Act 3 of 1986.

SECTION

1. Short title.
2. Definition.
3. Application for a licence.
4. Survey following application for a licence.
5. Requirements and equipment.
6. Load line and maximum number of passengers.
7. Report of surveyor.
8. Issue of licence.
9. Additional conditions.
10. Contents of licence.
11. Prohibition as to use of hire craft without licence or contrary to licence.
12. Markings on hire craft.
13. Annual surveys.
14. Occasional surveys.
15. Annual and occasional surveys by whom and how carried out.
16. Cancellation of licence.
17. Inspection of hire craft.
18. Registration of coxswain and mechanics.
19. Only registered coxswains and mechanics to be employed.
20. Change of ownership.
21. Report on departure and return.
- 21A. Port Officer may prohibit sailing.
23. Offences by owner, etc.
24. Regulations.

Short title.

3/23/1976.

Definition.

3/23/1976.

2 & 8/23/1978.

Sch. 5/3/1986.

1. This Act may be cited as the Control of Hire Craft Act.

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

"approved" means approved by the Harbour Master;

"hire craft" means a boat let out for hire for fishing as a sport or for pleasure purposes only and includes the hiring of any craft or part thereof;

"Licensing Authority" means the Licensing Authority established by section 3 of the Licences Act;

"schedule" means the schedule to the Act;

"surveyor" means the Harbour Master or a person or persons appointed by the Harbour Master for the purposes of a survey to be carried out under the provisions of this Act.

Cap. 113.

Application for a licence.

Sch. 5/3/1986.

Cap. 113.

3. The owner of a boat desiring to use such boat as a hire craft shall apply to the Licensing Authority for a licence in the manner provided under the Licences Act*.

Survey following application.

Sch. 5/3/1986.

4. A boat in respect of which an application for a licence to operate it as a hire craft has been made shall, before the grant of the licence, be surveyed to the satisfaction of the Harbour Master.

Requirements and equipment.

5. A hire craft must at all times satisfy the requirements and carry the equipment set out in the schedule.

Load line and maximum number of passengers.
2/24/1973.

6. A hire craft shall be marked with a load line below which the boat shall not be loaded, and the maximum number of passengers which the boat may carry shall be decided upon by the surveyor.

Report of surveyor.

7. The surveyor shall report as to -

(a) the seaworthiness of the boat;

(b) the fitness and suitability of the boat to be used as a hire craft;

*See the Licences (Trade) Regulations, 1987 (S.I.22 of 1987): (Cap 113, Sub. Leg.)

- (c) the equipment found on the boat and the condition of such equipment;
- (d) the efficiency and condition of the engine.

8. The licence in respect of a boat shall be issued by the Licensing Authority under the Licences Act.

Issue of licence
Cap. 113

9. The Licensing Authority may add such conditions to the licence as to it may seem fit to ensure compliance with the objects and provisions of this Act. Without prejudice to the generality of the foregoing power such conditions may provide for —

Additional
conditions.
3/23/1976,
4/D23/1978,
Sch 4 & 5/3/
1986.

- (a) a restriction on the number of passengers;
- (b) a restriction on the area of operation; and
- (c) requirements for additional equipment.

10. The licence shall state the name of the owner, a description of the boat, the position of its load line, the maximum number of passengers allowed and the number allotted to the boat by the Licensing Authority and such additional conditions as may have been imposed by the Licensing Authority.

Contents of
licence.
Sch. 5/3/1986.

11. No person shall use a boat or cause or permit a boat to be used as a hire craft without a licence issued by the Licensing Authority under the Licences Act or otherwise than in strict compliance with the terms and conditions of such licence.

Prohibition as to
use of hire craft
without licence
or contrary to
licence.
Sch. 5/3/1986.

12. All hirecraft shall have the letters "HC" followed by their allotted number painted on their bows conspicuously in letters and figures 4 inches high and 2 inches wide.

Markings on hire
craft.

13. In addition to the survey carried out under section 4 all hire craft shall be surveyed once in every calendar year.

Annual surveys.
3/24/1973.

14. The Harbour Master may order a survey of any hire craft to be made whenever he deems it fit so to order. The Harbour Master shall order a survey to be made of a hire craft if such hire craft has had an engine breakdown or has been involved in a collision or an accident.

Occasional
surveys.
5 & 8/D. 23/
1978.

Annual and
occasional surveys
by whom and how
carried out.
S/D. 23/1978.

15. A survey made under the provisions of section 13 or section 14 may be carried out by one or more surveyors as the Harbour Master may decide and shall relate to all the requirements set out in sections 5, 6 and 7.

Cancellation of
licence.
S & S/D 23/1978.
Sch 4 & 5/3/1986.

16. The Licensing Authority may cancel the licence issued in respect of any hire craft —

- (a) if there is an unfavourable report of survey as to any of the requirements set out in sections 5, 6 and 7;
- (b) if the owner of the hire craft is convicted of an offence under this Act.

Inspection of hire
craft.
S/D. 23/1978.

17. It shall be lawful for the Harbour Master and any member of the Harbour Master's department or for any person delegated by the Harbour Master to inspect any hire craft and to require the production of its licence.

Registration of
coxswain and
mechanics.
3/23/1976.
S/D. 23/1978.

18(1) All hire craft shall carry and be under the charge of a registered coxswain. They shall also carry a registered mechanic.

(2) Any person wishing to register as a coxswain or mechanic shall apply to the Harbour Master for the appropriate certificate. Such certificate shall only be granted if the Harbour Master is satisfied that the applicant is of the required standard of proficiency and is a fit and proper person. The Harbour Master may require the applicant to undergo such examination or test as he may deem necessary.

(3) A register containing the names of all those to whom a certificate has been issued under this section shall be maintained by the Harbour Master.

(4) A certificate may be cancelled by the Harbour Master for any reasonable cause. Such certificate shall be cancelled if the holder of the certificate is convicted of any offence against this Act.

19. No person other than registered coxswains and registered mechanics shall be employed in hire craft as coxswains and mechanics respectively.

Only registered coxswains and mechanics to be employed.

20. The owner of a hire craft who sells such hire craft shall, within forty-eight hours of its sale, notify the Harbour Master and the Licencing Authority of the change in its ownership.

Change of ownership.
4/24/1973.
8/D. 23/1978.
Sch. 5/3/1986.

21. Prior to leaving on any trip from Mahé, Praslin or La Digue the coxswain in charge of a hire craft shall report to the Harbour Master or other member of the Port department then on duty or to the nearest police station giving the proposed itinerary and duration of the voyage. The return of the hire craft from the trip shall be reported in the same way.

Report on departure and return.
5/24/1973.

22. It shall be lawful for the Harbour Master to prohibit the sailing of any hire craft, on the grounds that in his opinion the voyage or the hire craft is unsafe.

Port Officer may prohibit sailing.
8/D. 23/1978.

23(1) The owner or the Coxswain in charge of a hire craft who—

Offences by owner, etc.
6/24/1973.
3/23/1976.
7/D. 23/1978.
Sch. 5/3/1986.

(a) fails to submit the hire craft for survey when required under section 4, section 13 or section 14; or

(b) fails to report to the Harbour Master that the hire craft has had an engine breakdown or has been involved in a collision or an accident within twenty-four hours of such breakdown, collision or accident; or

(c) contravenes a prohibition imposed by the Harbour Master under section 22; or

(d) permits the hire craft to be in service when any of the provisions of this Act is being contravened or not complied with in respect of that hire craft; or

(e) leaves the hire craft in service when such hire craft is unseaworthy or needs repair or lacks any of the items of equipment described in the schedule,

is guilty of an offence and liable to a fine of two thousand rupees and to imprisonment for one year.

(2) The owner of a hire craft who fails to notify the Harbour Master and the Licensing Authority of a change in its ownership within forty-eight hours of its sale by him as required under section 20 is guilty of an offence and liable to a fine of five hundred rupees.

(3) The coxswain in charge of a hire craft who fails to make a report of the sailing or return of the hire craft to the Harbour Master as required under section 21 is guilty of an offence and liable to a fine of five hundred rupees.

Regulations,
S.I. 95/1975,
3/23/1976.

24. The Minister may make regulations to carry out the objects and provisions of this Act and, without prejudice to the generality of the foregoing power, such regulations may —

- (a) exempt any class of hire craft from all or any of the provisions of this Act and make further provision for the control and safety of such hire craft;
- (b) prescribe fees to be paid for any licence or certificate issued, for any registration made or for any survey carried under this Act;
- (c) amend, add to, vary or revoke any provisions set out in the schedule;
- (d) create offences and provide that contravention of or failure to comply with any such regulations shall be an offence and may prescribe for such offences maximum penalties not exceeding two thousand rupees and one year imprisonment.

SCHEDULE

(Section 5)

PART I - HIRE CRAFT OPERATING BETWEEN 2 AND 10 MILES OFF-SHORE.

1. This Part applies to hire craft operating more than 2 miles but not more than 10 miles, from the shores of an inhabited island.

2. Hire craft to which this Part applies shall —

S.I. 27/1972,
S.I. 16/1973,
S.I. 50/1976,
S.I. 102/1976.

(a) be fitted with ---

- (i) 2 engines in working order; or
- (ii) 1 engine in working order and sailing equipment;

Provided that where either or both such engines are inboard such engine or engines shall be driven by diesel oil;

and provided that no petrol (benzine), kerosine, aviation fuel or any such highly inflammable oil, explosives of any kind or dangerous gases shall be carried on board except for the sole use of the craft in connection with its engines, life-saving equipment, dinghies and domestic use on board;

(b) be fitted with an efficient compass;

(c) carry an anchor or sinker (together with a spare) and at least 100 fathoms of light rope;

(d) be fitted with a manual pump and carry a bailer;

(e) be fitted with a three-coloured lantern or such other type of navigation light as may be approved by the Harbour Master;

(f) carry at least six star distress signals, a high-visibility orange flag measuring not less than 4' x 2' and a signaling torch which is capable of transmitting signals for a distance of 5 miles;

(g) be equipped with 2 two-gallon fire extinguishers and 2 fire buckets;

(h) carry half a gallon of drinking water per head for each person on board;

(i) carry one life-jacket for each person the vessel is permitted to carry together with a surplus of life-jackets equivalent to 10% of that number;

(j) carry sufficient buoyant apparatus to support every person the vessel is permitted to carry;

- (k) be fitted with a wireless receiver/transmitter which shall satisfy the requirements of the Harbour Master and which, to his satisfaction, shall be capable of transmitting messages to and receiving messages from the shore.

PART II. - HIRE CRAFT OPERATING BETWEEN 10 MILES AND 60 MILES OFF-SHORE

1. This Part applies to hire craft operating more than 10 miles and 60 miles off-shore.

2. Hire Craft to which this Part applies shall comply with the requirements of Part I and, in addition, shall -

- (a) carry 1 sea anchor with at least 5 fathoms of cable;
- (b) be equipped with two life-buoys, one of which must be fitted with a self-igniting light and at least 10 fathoms of light rope, 1 orange smoke float and at least 12 parachute distress signals; and
- (c) be equipped with 2 additional two-gallon approved fire extinguishers and 2 fire buckets.

PART III. - HIRE CRAFT OPERATING MORE THAN 60 MILES OFF-SHORE

1. This part applies to hire craft operating more than 60 miles from the shores of an inhabited island.

2. Hire Craft to which this Part applies shall comply with the requirements of Part I and Part II and, in addition, shall —

- (a) be equipped with life boats or life rafts for every person on board;
- (b) carry on board a person qualified as a Master or Mate or able, in the opinion of the Harbour Master, to navigate by sun or stars.



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CHAPTER 46

(SUBSIDIARY LEGISLATION)

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THE GOVERNMENT PRINTER

SECTION 24

THE CONTROL OF HIRE CRAFT REGULATIONS

(27th June, 1978)

S.L. 63/1978.

S.L. 66/1989.

S.L. 37/1987.

1. These Regulations may be cited as the Control of Hire Craft Regulations.

Citation.

2(1) Hire craft operating not more than 2 miles from the shores of an inhabited island shall not be required to be fitted with an engine or be under the charge of a registered coxswain or to carry a registered mechanic, except in specific areas prescribed from time to time by the Harbour Master.

Hire Craft
operations.

(2) Hire craft operating beyond 2 miles from the shores of an inhabited island shall operate in accordance with the Schedule to the Act.

(3) The standard of accommodation and tourist amenities including fishing and diving equipment, cooking and sanitary facilities shall be to the satisfaction of the Minister.

3. The charter rates for all hire craft shall be notified to and approved by the Minister at the time of licensing and shall remain in force for not less than six months. At least 30 days notice shall be given of any change or alteration in such rates.

Charter Rates.

4. The following fees shall be payable for any survey under sections 4 and 13 of the Act —

Survey fees,
S.L. 66/1980.

- (a) in respect of hire craft operating not more than 2 miles from the shores of an inhabited island Rs.75;
- (b) in respect of hire craft to which Part I of the Schedule to the Act applies, Rs.175;
- (c) in respect of hire craft to which Part II of the Schedule to the Act applies, Rs.250.
- (d) in respect of hire craft mentioned to which Part III of the Schedule to the Act applies, Rs.350;
- (e) in respect of Beach craft Rs.20.

Registration fees.

5(1) The examination fee for conswains and mechanics shall be Rs.50.

(2) No fee shall be payable for any certificate under section 18 of the Act.



LAWS OF SEYCHELLES

CONTROL OF SUPPLIES AND SERVICES ACT

CHAPTER 49

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CHAPTER 49

CONTROL OF SUPPLIES AND SERVICES ACT

[9th December, 1953]

ARRANGEMENT OF SECTIONS

Act 11 of 1958.
 Act 14 of 1972.
 S.L. 95 of 1975.
 S.L. 72 of 1976.
 Act 23 of 1976.

SECTION

1. Short title.
2. President may make orders.
3. Control of Legislature over delegated powers.
4. Power on requisition.
5. Inquiries.
6. Grant, revocation or suspension of licence, etc.
7. Fees for licence, etc.
8. Offences by corporation.
9. Interpretation.

1. This Act may be cited as the Control of Supplies and Services Act.

Short title.
 3/23/1976.

2(1). If satisfied that it is necessary or expedient for the purposes of maintaining, controlling and regulating supplies and services to secure a sufficiency of those essential to the well-being of the community, or their equitable distribution or their availability at fair prices, or facilitating the adjustment of industry and commerce to the requirements of the community, or for controlling and regulating the economy and financial situation of Seychelles, the President may, by order provide —

President may
 make orders.
 2/14/1972.
 S.L. 95/1975.
 S.L. 72/1976.
 3/23/1976.

- (a) for regulating or prohibiting the production, manufacture, treatment, keeping, storage, movement, transport, distribution, disposal, supply, sale (either by wholesale, or retail or both), purchase, acquisition, export, import, use, consumption of, or other dealing in, or measures to be taken in relation to, any article

or articles of any description and in particular for controlling the prices at which any such article or articles may be sold;

- (b) for regulating the carrying on of any undertaking engaged in essential work and, in particular, for controlling the charges which may be made by the undertakers in respect of the doing of any work by them;
- (c) for requiring persons carrying on or employed in connection with, any trade or business specified in the order to produce to such person as may be so specified any books, accounts or other documents relating to that trade or business, and for requiring any persons to furnish to such person as may be specified in the order, such estimates or returns as the President may require;
- (d) for the requisitioning of any article or articles;
- (e) for any incidental and supplementary matters for which the President thinks it expedient for the purposes of the order to provide, including, in particular, the entering and inspection of premises to which the order relates, by persons authorised in that behalf by the President, with a view to securing compliance with the order;

and may make such other provision as may appear to him necessary for the effectual exercise of the powers given by this Act.

(2) An order under this section may —

- (a) prohibit the doing of anything regulated by the order except under the authority of a licence granted by such person as may be specified in the order;
- (b) be made so as to apply generally or so as to apply to any particular locality, or to any particular supplies of any article or to any particular undertaking and

either to the whole or to any part of the undertaking or to any particular producer, manufacturer, dealer or person;

- (c) authorise any person or any class of persons or authority to perform such functions and to issue such orders and directions as may be specified in the order;
- (d) contain such direction as appear to the President to be necessary or expedient;
- (e) create offences for breaches thereof and provide that such offences be punishable by fine or imprisonment or by both such fine and imprisonment, any fine and any term of imprisonment prescribed not to exceed Rs 5,000/- and two years respectively.

3. Sections 63 and 64 of the Interpretation and General Provisions Act shall apply to any order made by the President under the powers given by section 2 of this Act subject to the modification that the reference to the period of three months in section 64(2) of that Act shall be read and construed as if it were a reference to a period of six months.

Control of
Legislature over
delegated
powers.
S.I. 95/1975.
S.I. 72/1976.
Cap. 103.

4. Where any article is requisitioned under the powers given by this Act or any order made thereunder, the person or authority requisitioning the article or articles may, in his absolute discretion, use or deal with, or authorise the use of or dealing with the article or articles for such purpose and in such manner as he thinks expedient in the public interest and may also hold, sell or otherwise dispose of the article or articles as if he were the owner thereof.

Power on
requisition.
3/14/1972.
3/23/1976.

5(1) If the President in any special case is satisfied that before exercising any of the powers given by this Act, it is desirable that an inquiry should be held into any matter, he may direct the holding of such inquiry into the matter by such person or persons and at such place as he may determine.

Inquiries.
S.I. 95/1975.
S.I. 72/1976.
3/23/1976.

(2) Any person or persons so appointed shall have power to

summon witnesses, to take evidence on oath and to administer an oath for the purpose.

(3) Any person so summoned shall be bound to obey the summons served upon him.

(4) Any person who refuses or fails, without sufficient cause, to comply with such summons or who refuses to be sworn or affirmed or to make a solemn declaration as the case may be, or to reply to a question, or to answer fully and satisfactorily to the best of his knowledge and belief any question lawfully put to him, or to produce any books or documents, shall be guilty of an offence, and shall on conviction be liable to imprisonment not exceeding a term of two years and to a fine not exceeding Rs.1,000:

Provided that no such person shall be obliged to answer any questions which may tend to incriminate him or render him liable to any forfeiture or penalty.

Grant, revocation
or suspension of
licence, etc.
3/23/1976.

6. The authority or person empowered to grant any licence, permit or permission for the purposes of any order made under this Act, may, in his absolute discretion, refuse to grant it and may, at any time revoke or suspend such licence, permit or permission.

Fees for licences,
etc.
S.I. 95/1975.
S.I. 72/1976.

7. There may be charged in respect of the grant, renewal or issue of any licence, permit, or other document for the purposes of any order under this Act, such fee as the President may by order determine.

Offences by
corporation.

8. Where a person convicted of an offence against any order made under this Act is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

5. In this Act unless the context otherwise requires - -

Interpretation.

"article" includes animals, animal products, fish, fish products, foodstuffs for animal or human consumption or both, household furniture and utensils, meat, substances, vegetables and vehicles;

4/14/1972,

SI. 95/1975.

SI 72/1976.

"undertaking" means any public utility undertaking.



LAWS OF SEYCHELLES

CONTROL OF SUPPLIES AND SERVICES ACT

CHAPTER 49

(SUBSIDIARY LEGISLATION)

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SECTION 2

**The Control of Supplies and Services
(Exportation of Rice) Order.**

S.I. 5 of 1974.

[19th January, 1974]

1. This Order may be cited as the Control of Supplies and Services (Exportation of Rice) Order. Citation.

2. The exportation of rice from Seychelles is hereby prohibited. Prohibition on export of rice.

3. Any person who shall export or attempt to export any rice from Seychelles shall be guilty of an offence and shall be liable to imprisonment for two years and to a fine of Rs. 5,000. Penalty.

4. This Order shall apply throughout Seychelles. Application.

The Control of Supplies and Services

(Production of Books and Inspection of Premises) Order.

S.I. 69 of 1976.

[26th July, 1976]

1. This Order may be cited as the Control of Supplies and Services (Production of Books and Inspection of Premises) Order. Citation.

2. Any person carrying on, or employed in connection with, any trade or business specified in the First Schedule to this Order shall produce any books, accounts or other documents relating to such trade or business to any person holding any of the offices specified in the Second Schedule to this Order on demand by such person and shall furnish to such person such estimates or returns as the Minister responsible for Agriculture, Fisheries and Food may require. Persons in First Schedule to produce books, etc.

Persons in First Schedule to permit entry and inspection.

3. Any person carrying on or employed in connection with any trade or business specified in the first Schedule to this Order shall permit the entry on and the inspection of the premises where any such trade or business is carried on, by any person holding any of the offices specified in the Second Schedule to this Order with a view towards securing compliance with this Order.

Duties of persons specified in Second Schedule.

4. The persons holding the offices specified in the Second Schedule to this Order shall ensure that the provisions of this Order are carried out and shall obey all directions given to them by the Minister responsible for Agriculture, Fisheries and Food as to the carrying out of this Order.

Offences and penalties.

5. Any person who hinders, obstructs or prevents or attempts to hinder, obstruct or prevent any person holding any of the offices specified in the Second Schedule to this Order in the carrying out of any duties imposed upon him under any of the provisions of this Order or who contravenes or attempts to contravene any provision of this Order shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding two years and to a fine not exceeding Rs5,000.

Application.

6. This Order shall apply throughout Seychelles.

FIRST SCHEDULE

1. Production of beef
2. production of bread
3. Production of eggs
4. Production of fruit and vegetables
5. Production of milk
6. Production of pork and pork products
7. Production of poultry meat.

SECOND SCHEDULE

1. Chief Agricultural Officer
 2. Any police officer duly authorised by the Minister responsible for Agriculture, Fisheries and Food to carry out the provisions of this Order
 3. Any public officer duly authorised by the Minister responsible for Agriculture, Fisheries and Food to carry out the provisions of this Order.
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