



# **LAWS OF SEYCHELLES**

## **FISHERIES ACT**

### **CHAPTER 82**

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## CHAPTER 82

## FISHERIES ACT

Act 5 of 1986.

*[31st March, 1987]*

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Short title.

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

Interpretation.

2. In this Act—

“aquatic organism” means any aquatic plant or animal with the exception of birds, and includes any fish, crustacean, mollusc, coral, echinoderm, holothurian, or aquatic reptile or aquatic mammal and its shell, eggs and other naturally occurring products;

“authorized officer” means any public officer or any employee of SFA designated by the Minister by notice in the Gazette to be an authorized officer for the purposes of this Act;

Cap. 122.

“continental shelf” means the continental shelf of Seychelle as defined by section 5 of the Maritime Zones Act.

“fishing aggregating device” means any device placed in the water to aggregate fish and includes any natural floating object upon which a device has been placed to facilitate its location;

“fishing” means fishing, for, catching, taking or killing fish or other aquatic organisms by any method and includes searching for fish and placing any fishing aggregating device;

“fishing vessel” means any vessel used for fishing other than a pleasure craft;

"foreign fishing vessel" means any fishing vessel other than a local fishing vessel;

"licensing law" the Licences Act, or any other law for the time being regulating the granting of licences required under this Act; Cap. 113.

"local fishing vessel" means any fishing vessel which—

- (a) is wholly owned by one or more citizens of Seychelles or public bodies; or
- (b) is wholly owned by a company, society or other association of persons established under the laws of Seychelles, of which all of the shares are owned by citizens of Seychelles or public bodies; or
- (c) is wholly owned or chartered by a company, society or other association of persons established under the laws of Seychelles, of which at least 51 per cent of the voting shares are held by citizens of Seychelles or public bodies and which the Minister determines should be treated as a local fishing vessel;

"master" means the captain or any other person for the time being in charge of a vessel;

"operator" means, with respect to a vessel, the owner and charterer, if any;

"pleasure craft" means a vessel operated or hired for the primary purpose of sport or recreation;

"related activities" in relation to fishing means—

- (a) transshipping fish to or from any vessel;
- (b) storing or processing fish;
- (c) transporting fish except as part of a general cargo;
- (d) refuelling or supplying fishing vessels or performing other activities in support of fishing operations;
- (e) attempting or preparing to do any of the above;

"Seychelles waters" means the exclusive economic zone, territorial waters, internal waters and all other waters subject to the fisheries jurisdiction of Seychelles.

"SFA" means the Seychelles Fishing Authority established by the Seychelles Fishing Authority (Establishment) Act.

Cap. 314.

## PART II - MANAGEMENT OF FISHERIES

Fisheries  
management and  
development  
plans.

3.(1) SFA shall prepare and keep under review plans for the management and development of fisheries.

(2) The plans shall indicate the current state of fisheries, the objectives to be achieved and the management, development and licensing measures to be applied, including the amount of fishing, if any, to be allocated to foreign fishing vessels.

(3) In the preparation of each fisheries management and development plan, SFA shall consult with the local fisherman and other persons affected by the plan.

(4) SFA shall when practical consult with fisheries management authorities of other States in the Indian Ocean, and in particular with those sharing the same or related stocks, with a view to ensuring the harmonization of their respective fisheries management and development plans.

(5) Each fisheries management development plan or review thereof shall be submitted to the Minister for approval.

Management  
measure.

4.(1) The Minister may make regulations prescribing measures for the proper management of fisheries including closed seasons and closed areas, specification of gear that may be used (including the mesh size of nets), prohibited fishing methods and gear, the species, sizes and other characteristics of fish and other aquatic organism that it is permitted or forbidden to catch and schemes for the limitation of entry into all or any specified fisheries.

(2) A regulation prescribing management measures may also prohibit the possession, purchase, sale, import or export of any gear or fish or other aquatic organism.

5.(1) SFA shall collect and analyze statistical and other information on fisheries.

(2) Every person engaged in fishing, related activities or aquaculture shall supply such information regarding such activities in such form as the SFA may require.

(3) No person who receives information pursuant to this Act shall use or disclose it except for the purposes of this Act.

(4) The Minister may enter into arrangements or agreements with other States in the Indian Ocean, either directly or through an international organization, providing for the exchange of fisheries information and for the harmonization of systems for its collection.

6.(1) The Minister may enter into agreements with other States, with intergovernmental organizations and with associations representing foreign fishing vessel operators allocating fishing rights to vessels of those States, organizations and associations.

Fishing  
agreements.

(2) The total fishing rights allocated by agreements made under this section shall not exceed the total resources or amount of fishing permitted to foreign fishing vessels by the applicable fisheries management and development plan.

(3) Any agreement made under this section shall include—

(a) a provision establishing the responsibility of the other State, organization or association to take all necessary measures to ensure compliance by its vessels with the agreement and with the law relating to fishing in Seychelles waters; and

(b) such other provisions as may be prescribed.

7.(1) No foreign fishing vessel may be used for fishing in Seychelles waters or for fishing for sedentary species on the continental shelf except under and in accordance with a licence granted under the licensing law or an authorization under section 17.

Foreign fishing  
vessel licence.

(2) Subject to this Act, a licence granted in accordance with subsection (1) in respect of a foreign fishing vessel shall authorize that vessel to be used in Seychelles waters and, in respect of sedentary species, on the continental shelf for such fishing activities as may be specified in the licence.

(3) No licence shall be granted in accordance with subsection (1) unless—

- (a) there is in force with the Government of the flag state of the vessel, with an intergovernmental organization to which the flag state has delegated the power to negotiate fishing agreements, or with an association of which the operator is a member, an agreement entered into under section 6 to which the Government of Seychelles is a party; or
- (b) the Minister determines that an agreement under section 6 in respect of the vessel is not practical and the applicant provides sufficient financial and other guarantees for the fulfilment of all obligations under this Act.

Stowage.

8. Any foreign fishing vessel that is not licensed in accordance with section 7 or authorized under section 17 shall at all times that it is in Seychelles waters keep its fishing gear stowed in such manner as may be prescribed.

Local fishing  
vessel licence.

9.(1) No local fishing vessel may, unless it has been exempted under subsection (2), be used for fishing except under and in accordance with a licence granted under the licensing law or an authorization under section 17.

(2) The Minister may make regulations exempting any category of local vessel from the requirements of this section, subject to such conditions as he may prescribe.

(3) No licence shall be granted in accordance with subsection (1) unless—

- (a) the vessel is a local fishing vessel as defined;

- (b) the issue of the licence is consistent with any licensing programme specified in the applicable fisheries management and development plan;
- (c) the applicant is able and willing to comply with the conditions of the licence.

10.(1) The Minister may make regulations prescribing the conditions under which pleasure craft may be used for fishing. Pleasure craft

(2) Regulations made under subsection (1) may require a pleasure craft used for fishing to be licensed.

(3) Where a pleasure craft used for fishing is required to be licensed, a licence may be granted under the Licensing law.

11.(1) The Minister may make regulations requiring a licence for - Other licences

- (a) any kind of fishing, with or without the use of a vessel;
- (b) the use of a vessel for any related activity.

(2) Where a licence is required for any activity described in subsection (1), a licence may be granted under the licensing law.

(3) A licence required by regulations made under this section shall authorize any person to conduct any kind of fishing or related activity for which the licence is required.

12.(1) Every vessel, net or activity required under this Act to be licensed shall be operated or conducted in accordance with such general operating and management requirements as the Minister may prescribe, and, in the case of a foreign fishing vessel, with requirements made applicable to the vessels by any agreement under section 6, and, in all cases, subject to any conditions which may be prescribed or be endorsed on the licence including conditions relating to— Operating and management requirements and conditions of licences.

- (a) the type and method of fishing or related activity authorized;
- (b) the areas within which such fishing or related activity is authorized; and



- (c) the target species and amount of fish or other aquatic organisms authorized to be taken, including any restriction on by catch.

(2) Where it is expedient for the proper management of fisheries, any special condition attached to any licence may be varied by the person or the authority granting the licence.

(3) Where any special condition attached to any licence is varied, the licensee shall be notified of such variation as soon as practicable.

Fees.

13. There shall be payable in respect of every licence such fees and other payments as may be prescribed by or under the licensing law or provided for by an agreement under section 6.

Validity of licences.

14.(1) A licence granted in accordance with this Act shall be valid for such period not exceeding five years as may be prescribed by regulations or specified in the licence.

(2) Where a vessel licensed as a local fishing vessel ceases to be a local fishing vessel, the licence shall automatically terminate.

(3) The term of a foreign fishing vessel licence shall not extend beyond the term of any applicable agreement under section 6.

(4) No licence shall be transferable except with the written permission of the SFA or as may be prescribed by regulations for the limitation of entry into any fishery.

Suspension and cancellation of licences.

15.(1) Any licence granted in accordance with this Act may be suspended or cancelled in accordance with the licensing law —

- (a) where a vessel or any gear in respect of which the licence was issued has been used, or any activity has been conducted, in contravention of this Act or of any condition of the licence;
- (b) where such action is necessary or expedient for the proper management of fisheries.

(2) In the event of suspension or cancellation of a licence for

the reasons set out in subsection (1)(b), the proportion of any fees paid with respect to the unexpired portion of the licence shall be refunded to the licensee.

16. Any person aggrieved by—

Appeals.

- (a) the refusal to grant or renew a licence in accordance with sections 9, 10 or 11; or
- (b) the suspension, cancellation or variation of a condition of any licence;

may appeal against the refusal, suspension, cancellation, or variation, and the provisions of the licensing law shall apply to such appeal.

17.(1) The Minister may in writing authorize any person or vessel to fish for the purpose of scientific research, subject to such conditions as he may prescribe or specify.

Scientific research.

(2) An authorization under subsection (1) may exempt any person or vessel from any provision of this Act.

\*18.(1) The SFA may in writing grant to any person the exclusive right of propagating, raising and taking fish and other aquatic organism, in any area of Seychelles waters.

Aquaculture.

(2) An application for a grant under this section shall be made in the prescribed form to the SFA.

(3) The SFA shall, at the expense of the applicant, publish in the *Gazette* notice that an application has been made under this section and that any objection to its being granted must be filed with the SFA within 15 days of the date of publication of the notice.

(4) The SFA shall forward an application under this section, together with any objections thereto, any further submissions by the applicant and its own observations and recommendations, to the Town and Country Planning Authority established by section 3 of the Town and Country Planning Act.

Cap. 237.

\*This section has since been amended by Act 8 of 1993.

(5) A grant under this section shall not be made without the prior approval of the Town and Country Planning Authority.

(6) A grant under this section shall be valid for such period and subject to such conditions and the payment of such fees as may be specified in the grant.

(7) The Minister may make regulations further providing for the licensing and control of aquaculture in any part of Seychelles or Seychelles waters.

### PART III - ENFORCEMENT

Powers of  
authorized  
officers.

19.(1) For the purpose of enforcing this Act, an authorized officer may, without a warrant—

- (a) stop, board and search any fishing vessel in Seychelles waters;
- (b) require to be produced, examine and make copies of any licence, logbook or other documents required under this Act;
- (c) require to be produced and examine any net or other fishing gear and any fish.

(2) The master of any fishing vessel ordered to stop by an authorized officer shall take all necessary measures to facilitate boarding of the vessel.

(3) Where an authorized officer has reasonable grounds to believe that an offence against this Act has been committed, he may, without a warrant, seize and detain any vessel (together with its gear, stores and cargo), fish, fishing gear or other article which he has reason to believe has been used in the commission of the offence or in respect of which the offence has been committed.

(4) Any vessel seized under subsection (3) and the crew thereof shall be taken forthwith to the nearest or most convenient port.

- (b) the issue of the licence is consistent with any licensing programme specified in the applicable fisheries management and development plan;
- (c) the applicant is able and willing to comply with the conditions of the licence.

10.(1) The Minister may make regulations prescribing the conditions under which pleasure craft may be used for fishing. Pleasure craft.

(2) Regulations made under subsection (1) may require a pleasure craft used for fishing to be licensed.

(3) Where a pleasure craft used for fishing is required to be licensed, a licence may be granted under the Licensing law.

11.(1) The Minister may make regulations requiring a licence for — Other licences.

- (a) any kind of fishing, with or without the use of a vessel;
- (b) the use of a vessel for any related activity.

(2) Where a licence is required for any activity described in subsection (1), a licence may be granted under the licensing law.

(3) A licence required by regulations made under this section shall authorize any person to conduct any kind of fishing or related activity for which the licence is required.

12.(1) Every vessel, net or activity required under this Act to be licensed shall be operated or conducted in accordance with such general operating and management requirements as the Minister may prescribe, and, in the case of a foreign fishing vessel, with requirements made applicable to the vessels by any agreement under section 6, and, in all cases, subject to any conditions which may be prescribed or be endorsed on the licence including conditions relating to — Operating and management requirements and conditions of licences.

- (a) the type and method of fishing or related activity authorized;
- (b) the areas within which such fishing or related activity is authorized; and

- (c) the target species and amount of fish or other aquatic organisms authorized to be taken, including any restriction on by catch.

(2) Where it is expedient for the proper management of fisheries, any special condition attached to any licence may be varied by the person or the authority granting the licence.

(3) Where any special condition attached to any licence is varied, the licensee shall be notified of such variation as soon as practicable.

**Fees**

13. There shall be payable in respect of every licence such fees and other payments as may be prescribed by or under the licensing law or provided for by an agreement under section 6.

**Validity of licences.**

14.(1) A licence granted in accordance with this Act shall be valid for such period not exceeding five years as may be prescribed by regulations or specified in the licence.

(2) Where a vessel licensed as a local fishing vessel ceases to be a local fishing vessel, the licence shall automatically terminate.

(3) The term of a foreign fishing vessel licence shall not extend beyond the term of any applicable agreement under section 6.

(4) No licence shall be transferable except with the written permission of the SFA or as may be prescribed by regulations for the limitation of entry into any fishery.

**Suspension and cancellation of licences.**

15.(1) Any licence granted in accordance with this Act may be suspended or cancelled in accordance with the licencing law—

- (a) where a vessel or any gear in respect of which the licence was issued has been used, or any activity has been conducted, in contravention of this Act or of any condition of the licence;
- (b) where such action is necessary or expedient for the proper management of fisheries.

(2) In the event of suspension or cancellation of a licence for

(5) Any vessel or other article seized under subsection (3) shall be delivered into the custody of the magistrates' court and shall be dealt with in accordance with section 23.

20. Where, following the commission in Seychelles waters of an offence against this Act with the use of a vessel, the vessel is pursued beyond the limits of Seychelles waters, the powers conferred on authorized officers under section 19 shall be exercisable in respect of such vessel beyond the limits of such waters in the circumstances and to the extent recognized by international law.

Hot pursuit.

21.(1) The Public Officers (Protection) Act is hereby extended to all Seychelles waters.

Public  
officers.  
Cap. 192.

(2) Employees of SFA exercising functions under this Act shall be deemed to be public officers for the purposes of the Public Officers (Protection) Act, and of sections 372 and 373 of the Penal Code.

Cap. 192.  
Cap. 158.

22. The Minister may enter into arrangements or agreements with other States in the Indian Ocean, either directly or through an international organization, providing for joint or harmonized surveillance and enforcement measures in respect of foreign fishing vessels.

Regional  
arrangements.

23.(1) The court may order any fish or other perishable articles seized under this Act to be sold.

Custody of seized  
articles.

(2) The court may order the release of any vessel or other article seized under this Act on receipt of a satisfactory bond or other security for its value.

(3) The proceeds of any sale under sub-section (1), and any bond or other security received under sub-section (2) shall be held and dealt with in accordance with this Act as though they were the article which has been sold or released.

(4) If no proceedings in respect of a seized article are instituted within 15 days of its delivery to the court, it shall be released on demand to any person who appears to be entitled thereto.

(5) Where proceedings are instituted in respect of a seized article, the court may retain it pending the outcome of such proceedings and, where proceedings are instituted in any other court, may deliver it into the custody of that court which shall deal with it in accordance with this section.

#### Offences

24.(1) Where any foreign fishing vessel that is not licensed in accordance with section 7 or authorized under section 17 is used for fishing in Seychelles waters or for fishing for sedentary species on the continental shelf, the operator and master shall each be guilty of an offence and liable on conviction to a fine of R.10,000.

(2) Where any vessel that is licensed in accordance with section 7 or that is a foreign vessel authorized under section 17 is used in contravention of any condition of the licence or authorization or of any condition of the licence or authorization or of any prescribed standard requirements applicable to that vessel the operator and master shall each be guilty of an offence and liable on conviction to a fine of R.10,000.

(3) Where any local fishing vessel that is required to be licensed in accordance with section 9 is not so licensed and is used for fishing in Seychelles waters, the operator and master shall each be guilty of an offence and liable on conviction to a fine of R.10,000.

(4) Where any vessel that is licensed in accordance with section 9 or that is a local vessel authorized under section 17, is used in contravention of any condition of the licence or authorization, the operator and master shall each be guilty of an offence and liable on conviction to a fine of R.10,000.

(5) Any person who, in Seychelles or Seychelles waters, conducts any fishing or related activity for which a licence is required by regulations made under this Act, otherwise than under the authority of and in accordance with the terms of a valid licence, shall be guilty of an offence and liable on conviction to a fine of R.10,000.

(5) Where any foreign fishing vessel that is not licensed in accordance with section 7 or authorized under section 17 is found in Seychelles waters without its gear stowed in the prescribed manner, the operator and master shall each be guilty of an offence and liable on conviction to a fine of R. 5,000.

(7) Any person who uses any poisonous or explosive substance to kill, stun or disable fish in order to render them more easily caught shall be guilty of an offence and liable on conviction to a fine of R. 50,000.

(8) Any person who fishes in contravention of any management measure prescribed under section 4 shall be guilty of an offence and liable on conviction to a fine of R. 10,000.

(9) Any person who, contrary to section 19(2) or in any other way, prevents or hinders an authorized officer in exercising the powers conferred on him under this Act shall be guilty of an offence and liable on conviction to a fine of R. 5,000.

(10)(a) Any person who, in Seychelles waters, kills, chases or takes any marine mammal, alive or dead, shall be guilty of an offence and liable on conviction to a fine of R. 50,000;

(b) It shall be a defence to a charge under paragraph (a) that either—

- (i) if taken alive, the marine mammal was returned to the sea with the least possible injury; or
- (ii) if taken dead or so seriously injured as to render its recovery unlikely, the taking of the marine mammal was reported to the Principal Secretary of the Ministry as soon as practical and body disposed of in accordance with his instructions.

(11) Any person required to supply information under this Act who fails to supply such information or supplies false or misleading information shall be guilty of an offence and liable on conviction to a fine of R. 50,000.



Forfeiture.

25.(1) On convicting any person of an offence against this Act, the court, in addition to any other penalty imposed —

- (a) may order any fishing gear used in the commission of the offence, and any article in respect of which the offence has been committed, and in the case of an offence under section 24(1), any vessel (together with its gear, stores and cargo) used in the commission of the offence, to be forfeited;
- (b) shall order all fish and other aquatic organisms caught in the commission of the offence to be forfeited.

(2) All fish and other aquatic organism found on board any vessel which has been used in the commission of an offence against this Act shall be presumed, unless the contrary is proved, to have been caught in the commission of the offence.

(3) Where an article in the custody of the court is not ordered to be forfeited, it shall be held until all fines imposed for any offence in the commission of which the article was used, or which was committed in respect of the article, have been paid. If within thirty days following the imposition of the fine, any part of such fines remains unpaid, such article may be sold, and the proceeds applied towards payment of the fines.

Compounding.

26.(1) The Minister may, if he is satisfied that an offence has been committed under this Act and if the person admits the commission of the offence and agrees in writing to its being dealt with under this section —

- (a) compound the offence by accepting the sum of money not exceeding the maximum fine specified for the offence;
- (b) order the release of any vessel or other article seized in connection with the offence on payment of a sum of money not exceeding the value of the vessel or other article.

(2) Any sum of the money received under this section shall be dealt with as though it were a fine imposed by the court.

(3) 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.

#### PART IV - GENERAL PROVISIONS

27.(1) The Minister may make regulations for the carrying into effect of the purposes and provisions of this Act, including regulations—

- (a) requiring the holder of a licence in accordance with section 7 to appoint a local agent in Seychelles with authority to represent the holder of the license in respect of the vessel;
- (b) requiring the holder of any licence to execute a bond or give other guarantee of his obligations under the licence;
- (c) requiring any licensed vessel to be equipped with specified communications and position-fixing equipment;
- (d) delimiting areas of Seychelles waters in which fishing shall be reserved to local vessels and local fishermen;
- (e) providing for compensation payable to Seychelles citizens or to the Government in the event of any loss or damage caused by a foreign fishing vessel to other vessels or their gear or catch, or to cables or to other Seychelles interests;
- (f) prescribing the manner in which fishing gear is to be stowed and requiring any fishing vessel to stow its gear in the prescribed manner during anytime that it is in an area of Seychelles waters where it is not authorized to fish;
- (g) regulating the use of fish aggregating devices;
- (h) regulating the import and export of live fish and other aquatic organisms;

- (2) prescribing any other matter which is required or authorized to be prescribed.

(3) Regulations made under this section may provide that their contravention shall constitute an offence and may prescribe fines not exceeding R.20,000 for any offence.



# **LAWS OF SEYCHELLES**

## **FISHERIES ACT**

### **CHAPTER 82**

#### **(SUBSIDIARY LEGISLATION)**

**REVISED EDITION 1991**

**PRINTED FOR THE GOVERNMENT OF SEYCHELLES  
BY SPACE**

**THE GOVERNMENT PRINTER**

**\*Fisheries (Designation of Authorised Officers) Notice**

S.I. 28/1989

*[3rd July 1989]*

1. This notice may be cited as the Fisheries (Designation of Authorised Officers) Notice. Citation.

2. The Minister of Agriculture and Fisheries hereby designates the following persons to be authorised officers for the purposes of the Act— Authorised officers.

Philip Michaud	Jack Butler
Joel Nageon	Cyril Benstrong
Felix Labrosse	Jeffrey Mondon
Ralph Jeannevol	Clifford de Commarmond
Carmel Rene	Robert Marie
Raymond Louise	Robert Antoine
Joseph Isnard	Michel Estico
Francois Jackson	Daniel Port Louis
David Savy	Antoine Stravens

\*This Notice has since been revoked and reenacted by S.I. 29 of 1993.

**Fisheries Regulations***(31st March 1987)***PART 1 - PRELIMINARY**

1. These Regulations may be cited as the Fisheries Regulations. Citation.

2. In these Regulations—

Interpretation.

Cap. 113

"licensing law" means the Fisheries Act or any other law for the time being regulating the grant of licences required under this Act;

"outer island" means an outer island as set out in Schedule I to the Constitution;

"shell" means a marine mollusc, its hard outer covering or any part of a marine mollusc or its covering;

"spear gun" means any device or instrument designed to propel any missile under water for the purpose of catching, injuring or killing any aquatic organism;

"unworked" in relation to a shell or turtle shell means one that has not been transformed into a decorative or utilitarian object by an industrial or craft process, and includes a shell or turtle shell that has only been cleaned, polished and varnished;

## PART II - FISHING VESSEL

Exemption.

3. A local fishing vessel not exceeding seven metres in overall length of any size but not mechanically propelled, is exempted from the requirement of a licence under section 9 of the Act.

Licence  
application and  
fees.

4. An application for a licence in respect of a fishing vessel under section 7 or section 9 of the Act shall be made in accordance with the licensing law and the regulations made thereunder.

Fishing  
Agreement.

5. The following clause shall form part of every fishing agreement under section 6 of the Act except where the agreement expressly provides otherwise-

## STANDARD REQUIREMENTS

Every vessel licensed pursuant to this Agreement shall comply with the following requirements:

- (a) No fishing shall be conducted in the zones specified in the First Schedule;
- (b) All catches taken from the Seychelles waters shall be

landed or transhipped in Port Victoria except as otherwise authorised by SFA;

- (c) All supplies and services required for the operation of the vessel shall be procured in Seychelles except if such supplies or services are not available locally;
- (d) The exact position of the vessel shall, whenever the vessel is in the Seychelles waters, be reported twice weekly to SFA directly by radio or telex.

6. A licence required for the purposes of section 7 of this Act shall be subject to the following conditions

Conditions of a  
foreign fishing  
vessel licence.

- (a) the vessel shall only be used for such fishing and related activities, during such period, and in such places as are specified in the licence;
- (b) all provisions of this Act shall be complied with;
- (c) the licensee shall appoint an agent approved by SFA who shall be authorized to accept legal and financial responsibility and service of any notice summons or other document, on behalf of the licensee in relation to activities of the vessel;
- (d) the vessel shall maintain a logbook in which are recorded the nature, time and position of all fishing operations in the Seychelles waters, and the quantity of catch by species, including fish caught but not landed or retained on board;
- (e) reports of the information required to be recorded under paragraph (d) shall be transmitted by the master of the vessel to SFA—
  - (i) on request of SFA during the term of the licence; and
  - (ii) not later than 30 days after the expiry of the licence;
- (f) the master of the vessel shall cause its position to be

reported by radio or other means of communication approved by SFA.

- (i) upon entering or leaving Seychelles waters;
- (ii) every three days while in Seychelles waters;
- (iii) at all other times when requested by SFA to do so;

(g) the master of the vessel shall, whenever requested by SFA or any other authorized officer, permit boarding and inspection of the vessel, produce for examination licences, logbooks and other documents required to be maintained, and all nets and other fishing gear and fish, and bring the vessel into port;

(h) the vessel shall at all times while in Seychelles waters—

- (i) fly the flag of its flag state; and
- (ii) display so as to be clearly visible both from the sea and from the air, on both sides of the funnel or the superstructure, the licence number in white markings of at least 90 centimetres in height in the case of a vessel whose overall length exceeds 18 metres, or 45 centimetres in height in any other case, on a black background;

(i) the master of the vessel shall permit observers designated by SFA to go and remain on board the vessel for any or all of the period of validity of the licence and shall —

- (i) provide the observers with suitable food and accommodation of their duties; and
- (ii) arrange for the observers to send and receive messages by way of the communications facilities on board the vessel;

(j) any records, reports or notifications required to be maintained or made under this regulation shall be maintained or made in Creole, English or French language.



7. A licence required for the purposes of section 6 of the Act shall be subject to the following conditions:-

Continuation of  
local fishing  
vessel licence.

- (a) the conditions set out in regulation 6 other than paragraphs (c), (d), (e), (f), (h) and (i);
- (b) the vessel shall display so as to be clearly visible both from the sea and from the air, on both sides of the funnel or the superstructure, the licence number in white markings of at least 90 centimetres in height in the case of a vessel whose overall length exceeds 18 metres, or 45 centimetres in height in any other case, on a black background;
- (c) all fish caught shall be landed or transhipped to Port Victoria unless otherwise provided by the licence or specifically approved by SFA.

8. An authorization under section 17 of the Act shall be subject to the following conditions—

Authorization to  
conduct scientific  
research.

- (a) no operations may take place until a research plan has been approved by the Minister or other person named by him;
- (b) copies of all data derived from the research and any analysis, report or other result of the research shall be communicated in full to SFA as soon as they are produced, whether or not they are available to any other person.

9. Any foreign fishing vessel that is not licensed in accordance with section 7 or is not authorized under section 17 of the Act shall keep its fishing gear stowed in the following manner:

Stowage.

- (a) in the case of purse seiners:
  - (i) the boom shall be lowered;
  - all nets and ropes shall be carried wholly inboard and lashed to the deck or superstructure;
  - all boats belonging to the purse seiner shall be carried wholly inboard;
  - the helicopter shall be lashed down;

(b) in the case of long-liners:

all lines shall be stowed below deck;

(c) in the case of trawlers:

all nets, trawlboards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and carried wholly in-board either below deck or secured to the deck or superstructure;

all gear shall be stowed below deck.

#### PART III - LARGE NETS

Large nets.

10.(1) No person shall fish in the territorial waters with the use of a net or combination of nets exceeding 50 metres in length except pursuant to a valid licence granted under the licensing law or in accordance with section 7 or section 9 of the Act.

(2) A net licensed in accordance with this regulation shall be marked by an authorized officer with a lead seal or other mark bearing the licence number of the net.

(3) Any person who—

(a) removes or alters a mark made under sub-regulation (2); or

(b) marks an unlicensed net in such a way as to make it appear to have been marked under sub-regulation (2).

shall be guilty of an offence and liable on conviction to a fine of R.5,000.

Marine shells.

11.(1) Subject to sub-regulation (2), no person shall, in any place specified in the Second Schedule.—

(a) collect any shell from; or

(b) disturb any shell or its natural environment on, a reef, a rock or the bed of a lagoon.

(2) Sub-regulation (1) shall not apply to any shell specified in the Third Schedule.

(3) No person shall in any part of Seychelles collect any triton conch shell (*charonia tritonis*) known locally as lancive or disturb such a shell or its natural environment.

(4) No person shall purchase, sell, offer or expose for sale or export or attempt to export any triton conch shell (*charonia tritonis*), locally known as lancive.

(5) No person shall purchase, sell or offer or expose for sale an unworked shell, except a shell specified in the Third Schedule.

(6) No person shall export more than two kilogrammes of shells except pursuant to a permit granted by the SFA.

(7) No person shall possess more than 20 kilogrammes of shells except pursuant to a permit granted by the SFA.

(8) No person shall use any explosive for the purpose of blasting any coral or reef except pursuant to a permit granted by the SFA with the approval of the Commissioner of Police.

(9) The SFA may grant a permit authorizing the holder to export such quantity and description of shells as are stated in the permit.

(10) The SFA may in a permit granted under sub-regulation (7) authorize the holder to possess such quantity and description of shells as are stated in the permit.

(11) The SFA may, if it finds that such action is consistent with the preservation of the marine environment, grant a permit to blast any area of reef or coral that is not within an area designated under section 4 of the National Parks and Nature Conservancy Act. Cap. 141

12.(1) No person shall fish for, catch, kill, disturb or possess a female green turtle. Protection of green turtle.

(2) No person shall fish for, catch, kill, sell or expose for sale

any take green turtle except pursuant to a valid permit granted by SFA.

(3) Every permit granted under sub-regulation (2) shall, in addition to any other conditions which SFA may deem fit to impose, specify the number of green turtles for which it is valid, and the manner of sale or other disposition of the meat.

(4) The number of green turtles for which a permit may be granted in any year shall not exceed an aggregate number which shall be determined by the Minister at the beginning of each year.

(5) A permit under sub-regulation (2) shall, unless sooner suspended or revoked, be valid for such period not exceeding one year as may be specified in the permit.

Protection of  
hawksbill turtle.

13.(1) No person shall fish for, catch, kill or disturb a female hawksbill turtle.

(2) No person shall fish for, catch, kill or disturb a male hawksbill turtle except pursuant to a permit granted by SFA.

(3) If a hawksbill turtle is unintentionally wounded or caught it shall be returned to the sea except that, if it is dead or so severely injured as to render its recovery unlikely, it shall be delivered forthwith to the Minister or a person authorized by the Minister.

(4) The holder of a permit under sub-regulation (2) may dispose of hawksbill turtles only in the form of shell sold to artisans in the business of working such shell.

(5) Every delivery of hawksbill turtle shell to an artisan shall be accompanied by a certificate of the permit holder stating the quantity of shell delivered.

(6) A permit holder under sub-regulation (2) shall maintain records of all capture and acquisition of hawksbill turtles and of all dispositions of shell.

(7) No person shall possess unworked hawksbill turtle shell except pursuant to a permit granted under sub-regulation (2), provided that an artisan in the business of working such shell may

persons employed shells for the purpose of such business if accompanied by a certificate issued under sub-regulation (5).

#### PART IV - FISHERIES MANAGEMENT

14. No person shall use any demersal trawl net for fishing in Seychelles waters.

Demersal  
trawling.

15.(1) The following shall be protected areas:

Protected Area.

(a) in the waters around Mahe—

the whole of the reef situated on the east coast of Mahe from North East Point and where such reefs extend less than one thousand meters from the high water mark such portion of the sea as is within one thousand meters of the high water mark;

(b) in the waters around Praslin—

the whole of the reefs situated on the south east coast of Praslin from an imaginary line drawn from "Roche Corbijeaux" to the northernmost of North Cousin Island to Anse Marie Louise inclusive, and, where such reefs extend less than one thousand meters from the high water mark, such portion of the sea as is within one thousand metres from the high water mark;

(c) in the waters around La Digue—

the whole of the reef situated on the west coast of La Digue from the northern point of that island to its southernmost point and, where such reefs extend less than one thousand metres from the high water mark such portion of the sea as is within one thousand metres of the high water mark.

(2) No person shall fish in a protected area with any net which is operated by being dragged across the sea bed.

16. No person shall place any net in any reef pass or channel in such a way as to obstruct the passage of fish.

Obstruction of  
passes.

Fishing gear.

17. No person shall fish with or possess any eelnet or basket trap unless the meshes of the sides or surroundings parts of the trap (not including the entrance (bagel)) are of such dimensions as to allow a sphere of 40 millimeters in diameter to pass through such meshes without touching the sides thereof.

Spear guns.

18.(1) No person shall use any spear gun for fishing or be in possession of the spear gun in circumstances which raise a reasonable inference that the spear gun has been used or is intended to be used for fishing in Seychelles.

(2) No person shall sell or offer for sale any spear gun.

Protection of  
homard.  
SI. 36/1989.

19.(1) Subject to this regulation, a person shall not—

- (a) fish for, catch or kill homard in Seychelles waters, or
- (b) sell, purchase or be in possession of homard which has been fished from or caught in Seychelles waters.

(2) A person shall not—

- (a) fish for, catch, kill, sell, purchase or be in possession of a homard in the berried state, or
- (b) remove the eggs from any homard in the berried state.

(3) The prohibition contained in subsection (1) shall not apply—

- (a) in the case of fishing for, catching, killing, selling or being in possession of homard, to a person who holds a licence to fish for homard issued under the licensing law;
- (b) in the case of selling, purchasing or being in possession of homard by a person other than a person who holds a licence to fish for homard, to, subject to the licensing law—
  - (i) the Seychelles Marketing Board;

\*Regulation 19 has been since amended by SI.94 of 1992.

- (ii) a person who has purchased the homard from the Seychelles Marketing Board, or
- (iii) a person
  - A. who has been authorised in writing by the Seychelles Marketing Board to purchase homard from a person licensed to fish for, catch, kill or sell homard, and
  - B. who has purchased the homard from a person so licensed.

(4) Notwithstanding any other written law, a person who has a homard in his custody or control shall be presumed, until he proves the contrary, that he has obtained, or is in possession of, the homard contrary to this regulation.

(5) A licence to fish for homard shall, in addition to any other condition which may be imposed under or in accordance with the licensing law, be subject to the following conditions—

- (a) the holder of the licence shall not fish for, catch or kill homard in the Seychelles waters during the closed season;
- (b) the holder of the licence shall not at any time fish for, catch or kill homard in a protected area;
- (c) the holder of the licence shall not fish for, catch or kill a homard which is less than 7.5 cm in length, measured from the eye socket along a line parallel to the centreline of the body shell (carapace) to the rear end of the body shell (carapace) of the homard; and
- (d) the holder of the licence shall not sell homard caught by him in the Seychelles water to a person other than the Seychelles Marketing Board or a person who has been authorised by the Seychelles Marketing Board to purchase homard from the holder of a licence to fish for, catch or sell homard.

(6) Subject to this Act, the Seychelles Marketing Board may

issue a written authorisation to a person for the purpose of subregulation (3)(b)(ii).

(7) For the purposes of this regulation —

“closed season” means the period starting on the 1st May and ending on the 30th September of any year;

“homard” means any crustacean of the family Palinuridae which is known locally as homard;

“homard in the berried state” means a homard with eggs adherent;

“protected area” means any place which is designated as a shell reserve in the Second Schedule;

“Seychelles Marketing Board” means the Seychelles Marketing Board established by the Seychelles Marketing Board Act.

Cap. 218.

Protection of  
female  
crustacean.

**20.(1)** No person shall fish, for, catch, kill, purchase, sell or possess any female crustacean in the berried state, that is to say with eggs adherent and which belongs to the family scyllaridae, the genus macrobrachium or the genus scylla, known locally as crevice camaron and crab manglier respectively.

(2) No person shall remove the eggs from any berried female crustacean.

Protection of  
certain  
crustacean.

**21.(1)** No person shall fish for, catch, kill, purchase, sell or possess any crustacean which is of less than the minimum dimension prescribed in sub-regulation (2) for that kind of crustacean.

(2) The following dimensions are established for crustaceans—

- (a) from the tip of the nostrum to the end of the tail —
  - (i) family scyllaridae (crevice) 20 cm;
  - (ii) genus macrobrachium (camaron) 9 cm;
- (b) the width of the carapace —
  - (i) genus scylla (crabe manglier) 11 cm



22. Except as otherwise provided by the Act or these Regulations, any protected aquatic organism that is caught unintentionally shall be returned to the sea forthwith and with the least possible injury.

Interferential  
injuries.

23. No person shall remove, damage, disturb or remove any fish or other aquatic organism from any net, trap, line, fish aggregating device or other fishing gear found in Seychelles waters, except for the purpose of restoring lost gear to its rightful owner.

Interference with  
gear.

\*24.(1) The limits of every aquaculture concession shall be marked with buoys so as to be readily discernable from both the shore and sea.

Aquaculture  
concession.

(2) No person shall fish in an aquaculture concession marked as required by sub-regulation (1) except pursuant to the authorisation of the grantee of the concession.

25.(1) An application for a permit under these Regulations shall be made to the SFA in writing.

Application for  
permits.

(2) On making an application under sub-regulation (1), the applicant shall furnish to the SFA such particulars and information as the SFA may require.

(3) Any permit issued under these Regulations may be subject to such conditions, limitations and restrictions as may be specified in the permit.

26. A person who contravenes any of these Regulations is guilty of an offence and is liable, where no penalties is provided for the offence, to a fine of R.10,000.

Offences.

\*Regulation 24 has since been amended by SI, 54 of 1993

## Reg. 5(e)

## FIRST SCHEDULE

Zones where fishing by Foreign Vessels is prohibited

Zone 1: Comprising an area around Mahé Island and Seychelles Bank with the boundary running as follows:

From Point 1 (Latitude  $5^{\circ} 22.0'S$  and Longitude  $57^{\circ} 23.0'E$ ) to Point 2 (Latitude  $3^{\circ} 40.0'S$  and Longitude  $56^{\circ} 06.9'E$ ) to Point 3 (Latitude  $3^{\circ} 30.0'S$  and Longitude  $55^{\circ} 11.0'E$ ) to Point 4 (Latitude  $3^{\circ} 55.0'S$  and Longitude  $54^{\circ} 23.0'E$ ) to Point 5 (Latitude  $4^{\circ} 44.0'S$  and Longitude  $56^{\circ} 08.0'E$ ) to point 6 (Latitude  $5^{\circ} 38.0'S$  and Longitude  $56^{\circ} 08.0'E$ ) to point 7 (Latitude  $6^{\circ} 34.04'S$  and Longitude  $56^{\circ} 02.0'E$ ) to Point 8 (Latitude  $6^{\circ} 34.0'S$  and Longitude  $56^{\circ} 23.0'E$ ) and back to Point 1, the Point of commencement.

Zone 2: Comprising an area around Platte Island with the boundary running as follows:—

From Point 1 (Latitude  $6^{\circ} 06.3'S$  and Longitude  $55^{\circ} 35.6'E$ ) to Point 2 (Latitude  $5^{\circ} 39.0'S$  and Longitude  $55^{\circ} 35.6'E$ ) to Point 3 (Latitude  $5^{\circ} 39.0'S$  and Longitude  $55^{\circ} 10.0'E$ ) to Point 4 (Latitude  $6^{\circ} 06.3'S$  and Longitude  $55^{\circ} 10.0'E$ ) and back to Point 1, the point of commencement.

Zone 3: Comprising an area around Coetivy Island with the boundary running as follows:—

From Point 1 (Latitude  $7^{\circ} 23.0'S$  and Longitude  $56^{\circ} 25.0'E$ ) to Point 2 (Latitude  $6^{\circ} 53.0'S$  and Longitude  $56^{\circ} 35.0'E$ ) to Point 3 (Latitude  $6^{\circ} 53.0'S$  and Longitude  $56^{\circ} 06.0'E$ ) to Point 4 (Latitude  $7^{\circ} 23.0'S$  and Longitude  $55^{\circ} 56.0'E$ ) and back to Point 1, the point of commencement.

Zone 4: Comprising an area around the Fortune Bank with the boundary running as follows:—

From Point 1 (Latitude  $7^{\circ} 35.0'S$  and Longitude  $57^{\circ}$

13.0'E) to Point 2 (Latitude 7° 01.0'S and Longitude 56° 56.0'E) to Point 3 (Latitude 7° 01.0'S and Longitude 56° 45.0'E) to Point 4 (Latitude 7° 16.0'S and Longitude 56° 40.0'E) to Point 5 (Latitude 7° 35.0'S and Longitude 56° 49.0'E) and back to Point 1, the point commencement.

Zone 5: Comprising an area around the Amiantes Islands, with the boundary running as follows:

From Point 1 (Latitude 5° 45.0'S and Longitude 53° 55.0'E) to Point 2 (Latitude 4° 41.0'S and Longitude 53° 35.0'E) to Point 3 (Latitude 4° 41.0'S and Longitude 53° 13.0'E) to Point 4 (Latitude 6° 09.0'S and Longitude 52° 36.0'E) to Point 5 (Latitude 6° 33.0'S and Longitude 53° 06.0'E) and back to Point 1, the point of commencement.

Zone 6: Comprising an area around Alphonse Island with the boundary running as follows:—

From Point 1 (Latitude 7° 21.5'S and Longitude 52° 56.5'E) to Point 2 (Latitude 6° 48.0'S and Longitude 52° 56.5'E) to Point 3 (Latitude 6° 48.0'S and Longitude 52° 32.0'E) to Point 4 (Latitude 7° 21.5'S and Longitude 52° 32.0'E) and back to Point 1, the point of commencement.

Zone 7: Comprising an area around the islands of Providence, Farquhar and St. Pierre and Wizard Reef with boundary as follows:—

From Point 1 (Latitude 10° 20.0'S and Longitude 51° 29.0'E) to Point 2 (Latitude 8° 39.0'S and Longitude 51° 12.0'E) to Point 3 (Latitude 9° 04.0'S and Longitude 50° 28.0'E) to Point 4 (Latitude 10° 30.0'S and Longitude 50° 46.0'E) and back to Point 1, the point of commencement.

Zone 8: Comprising an area around Cosmoledo and Astove Islands with the boundary running as follows:—

From Point 1 (Latitude 10° 18.0'S and Longitude 48°

62.0'E) to Point 2 (Latitude 9° 34.0'S and Longitude 47° 49.0'E) to Point 3 (Latitude 9° 23.0'S and Longitude 47° 34.0'E) to Point 4 (Latitude 9° 39.0'S and Longitude 47° 14.0'E) to Point 5 (Latitude 10° 13.0'S and Longitude 47° 36.0'E) and back to Point 1, the point of commencement.

Zone 9: Comprising an area around Aidsora and Assomption Islands, with the boundary running as follows:—

From Point 1 (Latitude 9° 54.0'S and Longitude 46° 44.0'E) to Point 2 (Latitude 9° 10.0'S and Longitude 46° 44.0'E) to Point 3 (Latitude 9° 10.0'S and Longitude 46° 01.0'E) to Point 4 (Latitude 9° 59.0'S and Longitude 46° 01.0'E) and back to Point 1, the point of commencement.

The area of the zones described in this Schedule are shown in red lines on charts ML/ADN/73B deposited in the office of the Director of Surveys.

#### Reg.11(1)SECOND SCHEDULE

##### SHELL RESERVES

###### A. On the East Coast of Mahé—

###### 1. North East Point and Anse Nord d'Est:

The area lying within 400 metres seaward from the low-water mark between North East Point and the Western end of Carana Beach.

###### 2. South East Island to Pointe au Sel:

The areas lying within 400 metres seaward from the low-water mark between the northeast corner of South East Island and Anse Faure and the area lying between the low-water mark and the edge of the reef between Anse Faure and Pointe au Sel.

###### B. On the North Coast of La Digue—

###### La Passe by Pointe Cap Barbi to Cap Bayard River:

The area lying within 400 metres from the low-water mark

between the jody at La Passa and the mouth of Cap Bayard River.

C. On the North Coast of Praslin.

Pointe Zanguilles to Anse Boudin.

The area lying within 400 metres seaward from the low-water mark between the lighthouse at Pointe Zanguilles and a point 270 metres beyond the mouth of Mon Desir River.

Reg. 11(2)

### THIRD SCHEDULE

#### SHELLS

Bernique

Bigorneau

Burget

Chicoret

Hache d'Ames

Huitre (edible)

Huitre (mother of pearl)

Mouque

Octopus

Palourde

Squid

Tec Tec