

TRADE OF WILD FAUNA AND FLORA ACT, 2021

(Act 27 of 2021)

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TRADE OF WILD FAUNA AND FLORA ACT, 2021

(Act 27 of 2021)



I assent

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

Wavel Ramkalawan
President

15th July, 2021

AN ACT to give effect to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and to provide for matters incidental thereto.

ENACTED by the President and the National Assembly.

**PART 1
PRELIMINARY**

Short title

1. This Act may be cited as the Trade of Wild Fauna and Flora Act, 2021.

Interpretation

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

“advertise” in relation to endangered species, means to describe, make reference to or allude in any way, by any means or in any form, to that endangered species —

- (a) whether directly or indirectly;
- (b) whether orally, in writing, diagrammatically, pictorially, by the use of symbols or photographs, or in any combination thereof; or
- (c) whether by the common name or the scientific name of that endangered species or otherwise;

“animal” means any member of the animal kingdom, and includes —

- (a) any mammal (other than a human being), bird, reptile, amphibian, fish, mollusc, arthropod, or other vertebrate or invertebrate, whether alive or dead, and the egg, young or immature form thereof; and
- (b) any derivative of an animal;

“artificially propagated” in reference to any —

- (a) plant, means the plant is grown under controlled conditions from seeds, cuttings, divisions, callus tissues or other tissues, spores or other propagules that either are exempt or have been derived from cultivated parental stock; and
- (b) animal, means the animal is propagated under controlled environment by way of cuttings and divisions;

“Appeals Board” means the Appeals Board established under the Environment Protection Act, 2016;

“bred in captivity” refers only to offspring, including eggs, born or otherwise produced in a controlled environment of parents that mated or otherwise transmitted their gametes in a controlled environment;

“certificate” means a certificate issued by a Management Authority under section 16(2) and includes a pre-Convention certificate;

“controlled conditions” means a non-natural environment that is intensively manipulated by human intervention for the purpose of plant production and may include but is not limited to tillage, fertilization, weed and pest control, irrigation, or nursery operations such as potting, bedding or protection from weather;

“controlled environment” includes an environment that is manipulated for the purpose of producing specimen of a particular species of an animal that has boundaries designed to prevent the animal, eggs or gametes of the animal from entering or leaving that particular environment, and the general characteristics of which may include but are not limited to artificial housing, waste removal, health care, protection from predators, and artificially supplied food;

“Convention” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

“conveyance” means any vehicle, vessel, ship, aircraft or any other mode of transport whether by air, sea or land;

“competent authority” means the national administrative body of a foreign country designated in accordance with article IX, paragraph 1(a), of the Convention as its Management Authority;

“cultivated parental stock” means the ensemble of a plant grown under controlled conditions that are used for reproduction, in a manner not detrimental to the survival of the species of plant in the wild or natural habitat and maintained in sufficient quantities for propagation so as to minimize or eliminate the need for augmentation from the wild or natural habitat, with such

augmentation occurring only as an exception and limited to the amount necessary to maintain the vigour and productivity of the parent material;

“derivative of a plant” means any substantially complete or readily recognizable part, tissue or derivative of a plant, in natural form, preserved, dried, processed or otherwise treated or prepared which may or may not be contained in preparations, and includes —

- (a) seed, stem, leaf, bark, root, log, flower, fruit or pod;
- (b) any chemical compound derived from such part, tissue or extract; and
- (c) any thing which is claimed by any person, or which appears from an accompanying document, the packaging, a label or mark or from any other circumstances, to contain a part or derivative of a plant;

“derivative of an animal” means any substantially complete or readily recognizable part or derivative of an animal, in natural form, stuffed, chilled, preserved, dried, processed or otherwise treated or prepared which may or may not be contained in preparations, and includes —

- (a) meat, bones, hide, skin, leather, tusk, horn, antler, gland, feathers, hair, teeth, claws, shell, scales and eggs;
- (b) tissue, blood, fat, oil, milk, venom, saliva, urine and faeces;
- (c) any chemical compound derived from anything mentioned in paragraph (a) or (b); and
- (d) any thing which is claimed by any person, or which appears from an accompanying document, the packaging, a label or mark or from any other circumstances, to contain a part or derivative of an animal;

“derivative of the endangered species” means a derivative of an animal or a plant;

“endangered species” means an animal or plant listed in appendix I, II or III to the Convention, including any derivative of the animal or plant;

“enforcement officer” or “officer” means an enforcement officer specified in Schedule 1 to this Act;

“export” means to take or cause to be taken out of Seychelles by sea or air any endangered species, but does not include re-export;

“import” means to bring or cause to be brought into Seychelles by sea or air any endangered species other than any endangered species in transit in Seychelles;

“introduction from the sea” and “introduced from the sea” means transportation into Seychelles of any endangered species which was taken from the marine environment not under the jurisdiction of any country, including the air space above the sea, sea-bed and subsoil beneath the sea;

“licence” means a licence issued by a Management Authority under section 16(2);

“Management Authority” means the Management Authority established under section 6;

“Minister” means the Minister responsible for environment;

“Ministry” means the Ministry responsible for environment;

“non-detriment finding” means a finding by the Scientific Authority that a proposed export or introduction from the sea of appendix I or II to the Convention specimens will not be detrimental to the survival of that species and that a proposed import of an appendix I specimen is not for purposes that would be detrimental to the survival of the species;

“owner” includes any person for the time being in charge of any endangered species or any person for the time being in occupation or possession of any premises containing an endangered species;

“pre-Convention certificate” means a certificate issued by the Management Authority in relation to a specimen that was taken from the wild, bred in captivity or artificially propagated before the species was specified in an appendix to the Convention;

“permit” means a permit issued by a Management Authority under section 16(2);

“plant” means any member of the plant kingdom, whether live or dead, and any derivative of a plant;

“premises” includes any structure, platform, house, building, conveyance and land whether or not enclosed or built upon;

“property” includes any conveyance, machinery, contrivance, equipment, book, record, document or other article;

“quota” means a prescribed number or quantity of any endangered species that can be exported or otherwise used over a specific period of time;

“re-export” means the export of any endangered species that has previously been imported;

“registration” means the registration allowed by a Management Authority under section 16(2);

“rescue centre” means a premises designated by a Management Authority to look after the welfare of any living endangered species, particularly those that have been confiscated;

“Scientific Authority” means a person or an authority appointed under section 8;

“species” includes sub-species, or geographically separate population of the species or sub-species of an endangered species;

“specimen” means —

- (a) any animal or plant, whether alive or dead, of a species listed in appendix I, II or III to the Convention;
- (b) any derivative of the animal or plant;

“trade” means to export, re-export, import or introduce from the sea an endangered species whether or not for commercial purposes;

“transit or transhipment” means where a species is brought into Seychelles solely for the purpose of taking the species out of Seychelles and —

- (a) remains at all times in or on the conveyance in or on which the species are brought into Seychelles;
- (b) is removed from the conveyance that the species is brought into Seychelles and either intended to be returned to that conveyance or transferred directly to another conveyance before leaving Seychelles, but is kept under the control of an enforcement officer or an authorized person while being so removed, returned or transferred;
- (c) is removed from the conveyance that the species is brought into Seychelles and kept under the control of an enforcement officer or an authorized personnel for a period not exceeding 10 working days or such longer period that the Management Authority may permit pending the removal of the species from Seychelles.

Application

3.(1) Subject to subsection (2), this Act applies to trade of endangered species listed in appendix I, II or III to the Convention, as may be amended from time to time.

(2) This Act shall not apply to any species specified in an appendix to the Convention in relation to which Seychelles has made a reservation.

(3) The Minister may, by regulations, extend the application of this Act

to any animal or plant to which this Act does not apply by reason of subsections (1) or (2).

Certain specimens in appendix I may be deemed to be appendix II specimens

4. A specimen in appendix I to the Convention that is artificially propagated for commercial purposes or bred in captivity for commercial purposes is deemed to be a specimen of appendix II to the Convention for the purposes of this Act.

Act to be read with other laws

5. This Act shall be read together with any other written law relating to import and export, or conservation of, endangered species, and the provisions of this Act shall be in addition to, and not in derogation of, such other written laws.

PART 2

MANAGEMENT AUTHORITY AND SCIENTIFIC AUTHORITY

Management Authority

6.(1) The Ministry is the Management Authority for the purposes of this Act.

(2) The Management Authority may delegate any of its functions under section 7 to an authority by notice published in the Gazette.

Functions and powers of the Management Authority

7.(1) The functions of the Management Authority are —

- (a) to coordinate the implementation and enforcement of this Act;
- (b) to communicate with other countries and the secretariat of the Convention on all matters under this Act;
- (c) to cause national obligations under the Convention to be fulfilled;
- (d) to represent Seychelles at national and international meetings related to the Convention;

- (e) to maintain records of international trade in endangered species and to prepare reports concerning such trade as may be required under the Convention;
- (f) to establish Rescue Centres;
- (g) to create awareness and to provide training, education and information relating to the Convention;
- (h) to do such other things as the Management Authority deems fit to enable it to perform its functions effectively or which are incidental to the performance of its functions.

(2) The Management Authority shall have the power to issue a permit, certificate or licence, or allow registration under this Act.

(3) The Management Authority may consult, or seek the advice of, the Scientific Authority or any other public authority in the implementation of its functions under this Act.

Scientific Authority

8.(1) The Minister may, by notice published in the Gazette, appoint such number of persons or authorities as may be necessary to be a Scientific Authority in accordance with the Convention.

(2) A person or an authority appointed under subsection (1) is not required to reside in Seychelles.

Functions of the Scientific Authority

9. The Scientific Authority shall provide advice to the Management Authority on international trade in endangered species on —

- (a) the impact of the trade on the survival of any endangered species;
- (b) the quotas for the export of any endangered species;
- (c) the result of any non-detriment findings on any endangered species listed in appendix I or II to the Convention;

- (d) the appropriate care of any live endangered species to be transported to or from Seychelles;
- (e) the measures to be taken when the harvest of any endangered species threatens its survival;
- (f) the appropriate treatment of any seized or confiscated endangered species;
- (g) the method of disposal of any seized or confiscated endangered species;
- (h) any other matters as it deems fit to enable it to perform its functions effectively or which are incidental to the performance of its functions.

PART 3 TRADE OF ENDANGERED SPECIES

Import and export of endangered species

10. Any person who imports or exports any endangered species without a permit commits an offence and is liable on conviction to a fine not exceeding SCR 100, 000 for each endangered species or derivative of the endangered species but such fine shall not exceed SCR 1, 000, 000, or to imprisonment for a term not exceeding 5 years, or to both such fine and term of imprisonment.

Re-export and introduction from the sea

11. Any person who re-exports or introduces from the sea any endangered species without a certificate commits an offence and is liable on conviction to a fine not exceeding SCR 100, 000 for each endangered species or derivative of the endangered species but such fine shall not exceed SCR 1, 000, 000, or to imprisonment for a term not exceeding 5 years, or to both such fine and term of imprisonment.

Possession of endangered species

12. Any person who —

- (a) has in the person's possession or under the person's control;

- (b) sells, offers or exposes or advertises for sale;
- (c) displays to the public through any communication including social media,

any endangered species which has been imported or introduced from the sea in contravention of section 10 or 11 commits an offence and is liable on conviction to a fine not exceeding SCR100, 000 for each endangered species or derivative of the endangered species but such fine shall not exceed SCR1, 000, 000, or to imprisonment for a term not exceeding 5 years, or to both such fine and term of imprisonment.

Endangered species in transit

13.(1) Every endangered species in transit or transshipment in Seychelles shall be accompanied by —

- (a) a valid export or re-export permit, licence, certificate or written permission, in accordance with the Convention, issued by the competent authority of the country of export or re-export of the endangered species; and
- (b) where required by the country of import or final destination of the endangered species, a valid import permit, licence, certificate or written permission, in accordance with the Convention, issued by the competent authority of that country.

(2) Any owner, importer, exporter or re-exporter who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding SCR 100, 000 for each endangered species or derivative of the endangered species but such fine shall not exceed SCR1, 000, 000, or to imprisonment for a term not exceeding 5 years, or to both such fine and term of imprisonment.

Breeding or propagation of endangered species

14.(1) Any person who produces captive bred animal or artificially propagated plant or animal of any endangered species for commercial trade purposes without being registered with the Management Authority commits an offence and is liable on conviction to a fine not exceeding SCR 100, 000 for

each endangered species or derivative of the endangered species but such fine shall not exceed SCR 1, 000, 000 or to imprisonment for a term not exceeding 5 years, or to both such fine and term of imprisonment.

(2) Any person who —

- (a) has in the person's possession or under the person's control;
- (b) sells, offers or exposes or advertises for sale;
- (c) displays to the public through any communication including social media,

any endangered species which has been obtained or produced in contravention of subsection (1) commits an offence and is liable on conviction to a fine not exceeding SCR100, 000 for each endangered species or derivative of the endangered species but such fine shall not exceed SCR1, 000, 000 or to imprisonment for a term not exceeding 5 years, or to both such fine and term of imprisonment.

Power to require endangered species to be marked, branded or labelled

15.(1) The Management Authority may require any owner, importer, exporter or re-exporter of any endangered species to brand, label or otherwise mark such endangered species to the satisfaction of the Management Authority.

(2) Notwithstanding subsection (1), the Management Authority may brand, label or mark any such endangered species.

(3) Any person who contravenes any requirement of the Management Authority under subsection (1) commits an offence and is liable on conviction to a fine not exceeding SCR 50, 000 or to imprisonment for a term not exceeding 2 years, or to both such fine and term of imprisonment.

(4) Any person who alters, counterfeits, defaces, destroys, erases, removes or in any manner tampers with any brand, label or mark referred to in subsection (1) or (2) without the prior approval of the Management Authority commits an offence and is liable on conviction to a fine not exceeding

SCR50,000 or to imprisonment for a term not exceeding 2 years, or to both such fine and term of imprisonment.

(5) In this section, a reference to the labelling or marking of endangered species includes a reference to the following —

- (a) in the case of a plant —
 - (i) the labelling or marking of a container in which the plant is kept or in which the plant is growing; or
 - (ii) the placement of a label or tag on the plant; and
- (b) in the case of an animal —
 - (i) the implantation of a scannable device in the animal;
 - (ii) the placement of a band on any part of the animal;
 - (iii) the placement (whether by piercing or otherwise) of a tag, tattoo or ring on any part of the animal; or
 - (iv) the labelling or marking of a container in which the animal is kept.

PART 4

PERMIT, CERTIFICATE, LICENCE AND REGISTRATION

Permit, certificate, licence and registration

16.(1) An application for —

- (a) a permit to import or export any endangered species;
- (b) a certificate to re-export or introduce from the sea any endangered species; and
- (c) the licence and registration to produce captive bred animal or artificially propagated plant or animal of any endangered species for commercial trade purposes,

shall be made to the Management Authority, in a prescribed form together with the prescribed fees.

(2) The Management Authority may, after considering the application under subsection (1) —

- (a) issue or refuse to issue a permit to import or export any endangered species;
- (b) issue or refuse to issue a certificate to re-export or introduce from the sea any endangered species; and
- (c) allow or refuse to allow the licence and registration to produce captive bred animal or artificially propagated plant or animal of any endangered species for commercial trade purposes.

(3) If the Management Authority decides to issue a permit, certificate or licence, or allow the registration under subsection (2), the Management Authority may impose such conditions as it deems fit.

(4) Any person who fails to comply with or contravenes any of the conditions imposed under subsection (3) commits an offence and is liable on conviction to a fine not exceeding SCR 50, 000 or to imprisonment for a term not exceeding 2 years, or to both such fine and term of imprisonment.

Cancellation of permit, certificate, licence or registration

17.(1) The Management Authority may at any time cancel any permit, certificate, licence or registration if the Management Authority is satisfied that —

- (a) the holder of the permit, certificate, licence or registration has failed to comply with any provisions of this Act;
- (b) the holder of the permit, certificate, licence or registration has contravened any of the conditions thereof;
- (c) the permit, certificate or licence was issued, or the registration was allowed, as a result of false, misleading or inaccurate information;

- (d) the permit, certificate, licence or registration was obtained improperly or illegally; or
- (e) the holder of the permit, certificate, licence or registration has been convicted of an offence under this Act.

(2) Where the Management Authority cancels the permit, certificate, licence or registration under subsection (1), the Management Authority shall notify the holder of the permit, certificate, licence or registration.

(3) Where the Management Authority gives notification pursuant to subsection (2), the holder of the permit, certificate, licence or registration shall immediately surrender the permit, certificate, licence or documents pertaining to the registration to the Management Authority.

(4) Any holder of a permit, certificate, licence or the registration who contravenes subsection (3) commits an offence and is liable on conviction to a fine not exceeding SCR 50, 000 or to imprisonment for a term not exceeding 2 years, or to both such fine and term of imprisonment.

Captive breeding or artificial propagation

18.(1) Any person who has a licence or who is registered with the Management Authority to produce captive bred animal or artificially propagated plant or animal of any endangered species shall keep and maintain records of the person's stocks and transactions.

(2) The Management Authority may inspect, at any time, the premises and records of any person who has a licence or who registered with the Management Authority.

(3) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding SCR 50, 000 or to imprisonment for a term not exceeding 2 years, or to both such fine and term of imprisonment.

Appeal

19. Any person aggrieved by a decision of the Management Authority, in respect of section 16 or 17, may appeal to the Appeals Board by adhering to the relevant procedure and paying the prescribed fee.

PART 5

ENFORCEMENT POWERS AND PROCEEDINGS

Enforcement officers

20. An officer specified in Schedule 1 shall be the enforcement officer for the purposes of this Act.

Power of investigation

21.(1) An enforcement officer shall have all the powers necessary to carry out an investigation under this Act.

(2) In any case relating to the commission of an offence under this Act, any enforcement officer carrying out an investigation may exercise all the powers, authorities, privileges and immunities of a police officer, under the Police Act, Cap. 172, and any other written law.

(3) Subsection (2) shall not be construed as limiting or affecting any similar powers conferred on any enforcement officer under any other written law.

Power of arrest

22.(1) An enforcement officer may arrest without warrant any person —

- (a) found committing or attempting to commit or abetting the commission of an offence under this Act; or
- (b) whom the enforcement officer reasonably suspects of being engaged in committing or attempting to commit or abetting an offence under this Act.

(2) An enforcement officer making an arrest under subsection (1) shall, without delay, bring the person arrested to the nearest police station, and thereafter the person who is arrested shall be dealt with in accordance with the law.

Search and seizure with warrant

23.(1) If it appears to a Judge in chambers, on an application made to the

Supreme Court by an enforcement officer, that there is reasonable cause to believe that —

- (a) any premises have been used or are about to be used for; or
- (b) there is any evidence on the premises necessary to the conduct of an investigation into,

the commission of an offence under this Act, the Judge may issue a warrant authorizing any enforcement officer named therein, at any reasonable time by day or by night to enter the premises.

(2) A warrant issued under subsection (1) may authorize the enforcement officer to —

- (a) search the premises for, and to seize or remove from the premises, any endangered species or property that is reasonably believed to furnish evidence of the commission of such offence;
- (b) take samples of any endangered species or thing found on the premises for the purposes of ascertaining, by testing or otherwise, whether an offence has been committed; and
- (c) make copies of or take extracts from any book, record, document or other article found in the premises.

(3) An enforcement officer entering any premises under this section may take with the officer such other persons and equipment as may appear to the officer to be necessary.

(4) An enforcement officer may, in the exercise of the officer's powers under this section, if it is necessary so to do, —

- (a) break open any outer or inner door of the premises or any fence, enclosure, gate or other obstruction to the premises, in order to effect entry into the premises;
- (b) remove by force any obstruction to entry, search, seizure and

removal as he or she is empowered to effect under this section;
and

- (c) detain any person found in the premises until the search has been completed.

Power to enter premises

24. Notwithstanding section 23, an enforcement officer may at anytime enter any premises of the holder of a permit, certificate, licence or registration for the purposes of —

- (a) inspecting any endangered species or property as the enforcement officer considers necessary;
- (b) verifying the accuracy of records or statements or any information given to an enforcement officer; or
- (c) collecting samples of any endangered species.

Power to stop, search and seize conveyances

25.(1) If an enforcement officer has reasonable cause to suspect that any conveyance is carrying any endangered species or property in respect of which an offence under this Act is being or has been committed, the officer may stop and examine the conveyance and may, if on examination the officer has reasonable cause to believe that such conveyance is or has been used for the commission of such offence, seize such conveyance and any endangered species or property found in the conveyance that is reasonably believed to furnish evidence of the commission of such offence.

(2) The person in control or in charge of the conveyance shall, if required to do so by the enforcement officer —

- (a) stop the conveyance and allow the enforcement officer to examine it; and
- (b) open all parts of the conveyance for examination and take all measures necessary to enable or facilitate the carrying out of such examination as the enforcement officer considers necessary.

(3) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine not exceeding SCR 50, 000 or to imprisonment for a term not exceeding 2 years, or to both such fine and term of imprisonment.

Forfeiture of seized endangered species

26.(1) Any endangered species or property seized in exercise of any power conferred under this Act is liable to forfeiture as directed by the Supreme Court or in accordance with this section.

(2) The Management Authority or the Attorney General may apply to the Supreme Court by way of a notice of motion and an accompanying affidavit of facts for an order of forfeiture.

(3) An order for the forfeiture of the endangered species or property may be made if it is proved to the satisfaction of the Supreme Court that an offence under this Act has been committed and that the endangered species or property was the subject-matter of or was used in the commission of the offence, even though no person has been convicted of such offence.

(4) If it is proved that an offence has been committed and that the endangered species or property was the subject-matter of or was used in the commission of such offence, the Judge may order the endangered species or property to be forfeited, and shall, in the absence of such proof, order its release.

(5) Any endangered species or property forfeited or abandoned shall be delivered to the Management Authority and shall be disposed of in such manner as the Management Authority thinks fit, including repatriation under subsection (6) if the Management Authority so decides.

(6) When a decision of repatriation is made under this Act in respect of any endangered species which has been imported or introduced from the sea into Seychelles in contravention of this Act, the owner or importer of the endangered species shall, if required in writing by the Management Authority, provide or be responsible for —

- (a) free passage for the return of the endangered species to the place at which the endangered species was shipped to

Seychelles, or to any other port or place designated by the Management Authority; and

- (b) proper maintenance and housing of the endangered species during the voyage, flight or journey.

(7) No person is liable under subsection (6) unless the decision of repatriation has been made by the Management Authority within —

- (a) 12 months from the date on which the endangered species was imported or introduced into Seychelles; or
- (b) 6 months after the date of proceedings, for the offence in connection with such importation or introduction into Seychelles, are concluded by the Supreme Court, or from the date after the offence is compounded pursuant to section 30, whichever is later.

(8) Any person who contravenes subsection (7) commits an offence and is liable on conviction to a fine not exceeding SCR50, 000 or a term of imprisonment not exceeding 2 years, or to both such fine and term of imprisonment.

Release of seized endangered species

27. Notwithstanding section 25, the Management Authority may, where it thinks fit, at any time direct that any endangered species or property seized under this Act be released to the person from whose possession, custody or control it was seized.

Supreme Court may order costs of holding seized endangered species

28.(1) Where any endangered species or property seized under this Act is held in the custody of the Management Authority, pending completion of any proceedings in respect of an offence under this Act, the Supreme Court may grant an order for the costs of holding the endangered species or property in custody, in the event of any person being found liable of such offence.

(2) The Management Authority may, on the direction of a Judge, submit a report to the Supreme Court which outlines the costs of holding the endangered species or property.

(3) A report submitted pursuant to subsection (2) is conclusive evidence of the costs of holding the endangered species or property in the custody of the Management Authority.

Obstruction of enforcement officers

29. Any person who —

- (a) obstructs or impedes an enforcement officer in the execution of the officer's duty under this Act; or
- (b) refuses or fails, without reasonable excuse, to produce or furnish such book, document, paper or information or render all necessary assistance as may be required or directed by an enforcement officer,

commits an offence and is liable on conviction to a fine not exceeding SCR50,000 or to imprisonment for a term not exceeding 2 years, or to both such fine and term of imprisonment.

PART 6 GENERAL

Compounding of offences

30.(1) The Attorney General may, in consultation with the Management Authority, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding SCR 100,000.

(2) An offer under subsection (1) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted.

(3) If the amount specified in the offer under subsection (1) is not paid within the time specified in the offer or within such extended period as the Attorney General may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(4) Where an offence has been compounded under subsection (1), no prosecution shall thereafter be instituted in respect of such offence against the

person to whom the offer to compound the offence was made, and any endangered species or property seized in connection with the offence may be released to, or forfeited by, the Government, subject to such terms and conditions as the Management Authority thinks fit to impose in accordance with the conditions of the compounding.

False declarations

31.(1) Any person who makes, orally or in writing, signs or furnishes any declaration, return, certificate or other document or information required under this Act which is untrue, inaccurate or misleading in any particular commits an offence and is liable on conviction to a fine not exceeding SCR10, 000 or to imprisonment for a term not exceeding 6 months, or to both such fine and term of imprisonment.

(2) Any person who —

- (a) without lawful authority alters or forges any permit, certificate, licence or registration; or
- (b) knowingly makes use of any permit, certificate, licence or registration which has been so altered or forged,

commits an offence and is liable on conviction to a fine not exceeding SCR20, 000 or to imprisonment for a term not exceeding 1 year, or to both such fine and term of imprisonment.

Penalty where no penalty is provided

32. In respect of proceedings for offences under this Act, the Supreme Court may award the Government such other costs and expenses incurred in relation to those proceedings as the Supreme Court may deem proper.

Protection against suit and legal proceedings

33. No action shall lie or prosecution shall be brought, instituted or maintained in any court against —

- (a) any member or officer of the Management Authority or enforcement officer; and

- (b) any other person for or on account of or in respect of any act done or purported to be done by that person under the order, direction or instruction of the Management Authority, or enforcement officer,

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.

Rescue centres

34. The Minister may establish rescue centres for the purposes of looking after the welfare of any living endangered species that was seized, confiscated, forfeited or abandoned.

Rewards

35. The Management Authority may order such rewards as it thinks fit to any person for services rendered in connection with the detection of any offence, or in connection with any seizures made under this Act.

Power to make regulations

36.(1) The Minister may make such regulations as may be expedient or necessary for the better carrying out of this Act.

(2) Without prejudice to the generality of subsection (1), regulations may be made —

- (a) to prescribe the forms for the purposes of this Act;
- (b) to prescribe the form, duration, types, terms, conditions or restrictions of any permit, certificate, licence or registration;
- (c) to prescribe the records or documents to be kept by the holder of the permit, certificate, licence or registration;
- (d) to prescribe all matters relating to rescue centres;

- (e) to prescribe any matters relevant to the Scientific Authority;
- (f) to prescribe all matters relating to captive bred animals or artificially propagated plants or animals;
- (g) to prescribe all matters relating to the branding, packaging, marking, either permanently or temporarily, and labelling of endangered species for the purpose of identification;
- (h) to prescribe the offences which may be compounded;
- (i) to prescribe fees which may be prescribed under this Act;
- (j) to amend any Schedule to this Act; or
- (k) to provide for such other matters as are contemplated by or necessary for giving full effect to this Act and for their due administration.

(3) Regulations made under this section may prescribe any act in contravention of the regulations to be an offence and may prescribe penalties of a fine not exceeding SCR50,000.

SCHEDULE 1

(Section 20)

ENFORCEMENT OFFICERS

1. An officer of the Management Authority;
2. An authorized fishery officer as defined in section 3 of the Fisheries Act, 2014;
3. A police officer as defined in section 2 of the Police Force Act, CAP 172;
4. A member of the Defence Force as defined in section 2 of the Defence Act, CAP 58;

5. An officer of Customs as defined under section 8 of the Customs Management Act, 2011;
6. A biosecurity Officer as defined under section 2 of the Animal and Plant Biosecurity Act, 2014.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 7th July, 2021.



Mrs. Tania Isaac
Clerk to the National Assembly