

S.I. 5 of 2023

SEYCHELLES MARITIME SAFETY AUTHORITY

(Act 2 of 2020)

Seychelles Maritime Safety Authority (Licences) Regulations, 2023

Arrangement of Regulations

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*Act 2 of 2020)***Seychelles Maritime Safety Authority (Licences) Regulations, 2023**

In exercise of the powers conferred by Section 25 read with Section 4 (2) (e), (q), (w), (x) and (hh) of the Seychelles Maritime Safety Authority Act, 2019, the Minister responsible for Maritime Affairs hereby makes the following regulations —

PART I - PRELIMINARY**Citation**

1. These regulations may be cited as the Seychelles Maritime Safety Authority (Licences) Regulations, 2023.

Interpretation

2. In these regulations unless the context otherwise requires —

“Act means the Seychelles Maritime Safety Authority Act, 2019;

“Authority” means the Seychelles Maritime Safety Authority established under section 3 of the Act;

“Bareboat charter” means an agreement for the chartering or hiring of a liveaboard from a licensed yacht charter company in which a crew and provisions are not provided to the person to whom the vessel is leased;

“Beach craft” means a vessel, excluding an inflatable boat, measuring not more than 6 meters in length which operates on a commercial basis from a specific departure point to a designated destination within a specified regulated area;

“Business plan” means a written document describing the applicant’s core business activities, objectives and the strategy for their realisation;

“Cargo Surveyor” means a person not being a surveyor appointed in terms of section 10 of the Act, who conducts inspections, surveys, evaluations or examinations of cargoes of seagoing vessels and their equipment and stowage facilities to certify their compliance with national and international regulations in cargo handling for insurance purposes or settlement claims;

“Cargo and Marine Surveyor” means a person, not being a surveyor appointed in terms of section 10 of the Act, who conducts inspections, surveys, evaluations or examinations of seagoing vessels, cargo and other equipment on board a vessel for insurance purposes or settlement claims to certify compliance with national and international regulations;

“Commercial non-motorised watercraft” means a small vessel or equipment used commercially and propelled by means other than a motor engine;

“Commercial watercraft” means a watercraft used for hire or reward and excludes all other small vessels used commercially listed under Schedule IV of the Seychelles Maritime Safety Authority (Identification of small vessels) Regulations;

“Disposal barge” means a vessel used commercially to transport refuse and waste across waterways as per MARPOL Annexes I to V;

“Diving business” means a business that provides facilities for recreational and professional diving;

“Dive centre” means a land-based facility in which diving activities including diving lessons are provided;

“Dive operator” means a person engaged solely in conducting diving excursions with certified divers only and who is not permitted to teach diving;

“Ferry vessel” means a vessel engaged commercially in carrying passengers and small cargo on a pre-fixed schedule;

“Foreign flagged vessel” means a vessel registered in a country other than Seychelles;

“Foreign owned” means a vessel owned —

- (a) by a person who is not a citizen of the Seychelles; or
- (b) by a company not incorporated in accordance with the laws of the Seychelles;

“Hire craft” means a licensed vessel, or any part thereof, let out for hire, for sports fishing, for recreational purposes or for any other commercial use approved by the Authority;

“Inspector” means a person appointed in terms of Section 10(1) of the Act;

“Lay-by-berth” means a berthing facility for vessels;

“Licence” means a licence issued in accordance with Part II of these regulations and includes a permit;

“Marina” means a specially designed harbor with moorings for pleasure yachts and small boats;

“Marine surveyor” means a person, not being a surveyor appointed in terms of section 10 of the Act, who conducts inspections, surveys, evaluations or examinations of seagoing vessels and their equipment typically for insurance purposes or settlement claims, to certify compliance with national and international regulations;

“Maritime commercial activity” means an activity for which a licence under Schedule I is granted;

“MARPOL” means the International Convention for the Prevention of Pollution from Ships, 1973 as amended from time to time;

“Operating licence” means a licence issued to a person

permitting him or her to operate a business, vessel or other commercial activity set out in Schedule 1;

“Operator” means an individual or company who runs or manages the daily operations of a vessel and “operate” shall be accordingly construed;

“Parasailing” means a water sport activity whereby a person harnessed to a specially constructed parachute is made airborne by being towed behind a watercraft on the end of a towline;

“Passenger vessel” means a vessel which, on a commercial basis, carries twelve passengers or more to and from a designated point;

“Plying vessel” means a vessel which, on a commercial basis, carries less than twelve passengers to and from a designated point;

“Port Clearance” means a certificate displaying prima facie evidence that necessary taxes or charges have been paid thereby permitting a ship to leave port;

“Professional diving” means diving done by a certified diver, as part of his or her employment, for industrial, construction, engineering, maintenance or other commercial purposes which may include scientific, public safety and media purposes;

“Recreational diving” means leisurely diving excursions offered by a diving business during which a submersion does not exceed the depth of 40 metres;

“Recruitment and Placement Agency for Seafarers” means a person, company, institution or other organisation in the public or the private sector engaged in recruiting seafarers on behalf of ship owners or placing seafarers with shipowners;

“Regulated area” means the area extending from the seashore to the Exclusive Economic Zone of the Seychelles, and includes the archipelagic waters;

“Ship building” means the design and construction of all categories of ships, for sale or reward;

“Ship Repair and maintenance” includes all ship conversions, machine overhauls, maintenance programmes, minor and major damage repairs, auxiliary equipment repairs and the regular process of preserving the ship's condition or seaworthiness;

“Ship yard” means an area where ships are built and repaired;

“Shuttle vessel” means a vessel used commercially and designated as a necessary means of transport for a commercial establishment with the sole purpose of transporting persons and goods to and from the establishment to service the proper operation of that establishment;

“Small vessel” means a small vessel as defined under the Seychelles Maritime Safety Authority (Identification of small vessels) Regulations, 2023;

“Temporary cruise permit” means a permit for charter issued for a period of three months and renewable for a further period of three months in the same calendar year;

“Trade vessel” means a vessel engaged in the commercial conveyance of goods and provision of services;

“Vessel” includes every description of ship, watercraft, including non - displacement craft, wing-in-ground craft and seaplanes, used or capable of being used as a means of transportation on water;

“Watercraft” means a small vessel as defined under the Seychelles Maritime Safety Authority (Identification of small vessels) Regulations, 2022;

“Waterpark” means an amusement park located within the swimming area distinguishable by inflatable or other fixed fixtures placed on the sea for recreational activities;

“Waterski” means any device towed by a boat which skims the surface of a body of water.

Application of regulations

3. These regulations apply to a person who is required to obtain from the Authority, a licence pertaining to a maritime commercial activity conducted within the regulated area.

PART II - GENERAL LICENCE PROVISIONS

Application for a licence

4.(1) A person shall not, except under and in accordance with a licence as specified under Schedule I and issued by the Authority —

- (a) engage in or carry on an activity, profession, trade or business; or
- (b) keep or manage a vessel, shipyard or other premises on which an activity, profession, trade or business is carried on.

(2) A company seeking to apply for a licence under these regulations —

- (a) must be incorporated in terms of Part 2 of the Companies Act, (Cap 40);
- (b) must not be registered in terms of Section 310 as an overseas company under the Companies Act, (Cap 40).

(3) An application for a licence shall —

- (a) be made to the Authority in such form and manner as may be determined by the rules prescribed by the Authority;
- (b) be accompanied by such particulars as specified under Schedule IV; and
- (c) be accompanied by such fees as specified in the Seychelles Maritime Safety (Fees) Regulations, 2023.

(4) The Authority may in writing, direct a person who is required by these regulations to hold a licence, to apply for a licence not later than the date specified in the directive.

(5) A licence issued under and in accordance with the Act and these regulations is not transferable.

(6) The Authority may upon evaluation of the application —

- (a) issue a licence to the applicant where it is satisfied that the general requirements under Regulation 7 and those listed in Schedule II pertaining to each specific licence have been met; or
- (b) reject the application if —
 - (i) the applicant made false disclosures and claims or failed to disclose material facts at the time of the application;
 - (ii) the applicant is convicted of an offence under a law whereupon a conviction disqualifies him or her from holding the licence; or
 - (iii) the applicant failed to meet the general requirements under Regulation 7 or those under Schedule II.

(7) Where the Authority refuse an application, it shall provide the applicant with written reasons for such refusal.

Particulars of licence

5. A licence granted under these regulations shall, where the circumstances so warrant, —

- (a) specify therein, the conditions under which it is granted;
- (b) specify the conditions which may be imposed by the Authority;

- (c) specify, in accordance with the list provided in Schedule I, the item for which the licence is granted;
- (d) state the name of the owner of the vessel; and
- (e) where a licence issued to vessels is concerned —
 - (i) provide a description of the vessel and the position of its loadline;
 - (ii) state the maximum number of passengers permitted on board the vessel; and
 - (iii) state clearly the registration or identification number allotted to the vessel by the Authority.

Payment of licence fees and surcharges

6.(1) Before the Authority renews or grants a licence under these regulations, the applicant or licence holder shall pay, in accordance with the Seychelles Maritime Safety Authority (Fees) Regulations, 2023, the licence fee associated with the specific licence.

(2) Where the applicant or licence holder fails to pay the licence fee, the Authority may, having regard to the circumstances, refuse to issue or renew the licence and in the case of a failure to pay for a renewal, render invalid the licence when the period within which the licence is to remain valid in terms of Regulation 8, lapses.

(3) A person who was the holder of a licence and who applies, after the expiration of the licence, for a new licence, is liable, in addition to the licence fee and to any other possible penalty under the Act for a failure to renew the licence in a timely manner, to a surcharge of 25% of the licence fee for each month which has elapsed from the date of the expiration of the previous licence to the date of the lodging of his application, unless the Authority is satisfied that he had during the period between the expiration of his previous licence and the application, ceased the carrying on of the maritime commercial activity.

General requirements for obtaining a licence

7. A person who applies for a licence —
- (a) must have attained the age of majority as per the Age of majority Act, (Cap 4);
 - (b) must not be an undischarged bankrupt;
 - (c) must not have been convicted of an offence, not being an offence delineated under the Minor Offences (Fixed Penalties) Decree;
 - (d) must have taken out an insurance coverage to the satisfaction of the Authority;
 - (e) must have complied with other relevant laws necessary for an application for a licence under these regulations; and
 - (f) where the licence is being sought for business purposes, must have submitted his business plan to the Authority.

Validity of Licence

8.(1) Subject to sub regulations (2) and (3), a licence granted under these regulations shall be valid for a period of 12 months from the date the licence is granted.

(2) A licence issued to a recruitment and placement agency for seafarers, maritime training institutions, marinas, businesses operating vessels and shipyards shall be valid for a period of 5 years from the date the licence is granted.

(3) A temporary cruise permit for foreign owned vessels wishing to conduct commercial activities shall be valid for a period of three months and may, within the same year, be renewable for an additional three-months.

Possession and display of licence

9. The holder of a licence shall —

- (a) at all times when carrying on a business for which a licence has been granted, have the licence in his or her possession;
- (b) where the business is carried on at fixed premises, display the licence in a conspicuous manner at the licence holder's principal place of business; and
- (c) produce the licence for inspection on request by an inspector or by any person to whom a service is rendered.

Inspection

10.(1) The Authority may at least once every six months or whenever it deems it necessary, cause an inspection to be made of the premises on which the licence holder carries on business.

(2) An inspection under subregulation (1) shall, in collaboration with other agencies that the Authority deems relevant, be carried out for the purpose of determining whether the quality of service that the licence holder renders, fulfils the conditions of the licence.

Appointment of Inspectors

11.(1) The Authority may, in accordance with section 10(1) of the Act, appoint such number of inspectors as may be necessary for carrying out the provisions of the Act and these regulations.

(2) The Authority shall provide the inspectors with an identification card and the inspectors shall upon request, produce his or her card before exercising power under the Act or these regulations.

(3) An inspector may, at all reasonable times, enter the vessel, shipyard or other premises or which the licence holder carries on business —

- (a) where he or she has reasonable grounds to believe that the service which the licence holder renders does not meet the requirements of the Act or these regulations;
- (b) to perform inspections under regulation 10;

- (c) to question the licence holder or his or her employees;
 - (d) to call for and examine a licence, electronic record or any other document, used in connection with the maritime commercial activity for which the licence has been granted;
 - (e) to take copies of or extracts from records or any other type of document;
 - (f) to require a person to appear before the Authority;
 - (g) to verify the conformity of the commercial maritime activity rendered to the conditions contained in the licence.
- (4) The inspector may inquire into a complaint concerning, *inter alia* —
- (a) a person who carries on business without a licence; or
 - (b) a contravention of a provision of these regulations or a condition of the licence.
- (5) Where an inspector, on inquiry, finds that the licence holder fails to meet the requirements under these regulations, the inspector shall, in writing, report his or her findings to the Authority who shall take action in accordance with these regulations.

Compliance notice and suspension

12.(1) Where the Authority, on the report of inspection by an inspector or subsequent to a complaint or on the recommendations of entities whom the Authority deems relevant, determines that there is non-compliance to a requirement hereunder or to a condition contained in the licence, the Authority may issue the licence holder with a compliance notice directing him or her to comply with the requirement or condition within the period therein specified.

(2) Where the licence holder fails to comply with the compliance notice issued under sub regulation (1) within the period therein specified, the

Authority may, after giving the licence holder an opportunity to show cause why his or her licence should not be suspended, suspend the licence until such period as the licence holder complies with the compliance notice.

(3) Where the Authority is of the opinion that a licence holder's non-compliance to a requirement hereunder or to a condition of the licence may result in a threat to life, safety or health of a person, the Authority may suspend the licence at the time the notice is issued under sub regulation (1), until such period as the licence holder complies with the requirement or condition.

Revocation of licence

13.(1) The Authority may, after issuing the licence holder with a show cause notice revoke a licence if —

- (a) on inspection of the vessel, shipyard, or other premises on which the licence holder carries on business, it is found that despite previous suspensions, the requirements stipulated in the conditions of the licence, or the requirements prescribed under the Seychelles Maritime Safety Authority (Control of Vessels) Regulations, 2023 or under any other law have not been met;
- (b) the licence holder refuses an inspector access to the vessel, shipyard or other premises on which he or she carries on business;
- (c) the licence holder solicits, advertises, invites or offers services within the period his or her licence or permit is suspended;
- (d) the licence holder is incapable of carrying on business in terms of the licence; and
- (e) the owner, manager or director of the business or the company carrying on business in terms of the licence, is convicted of an offence under a law whereupon a conviction disqualifies him or her from holding the licence.

(2) A notice of revocation may be accompanied by a notice of closure.

(3) The licence holder may within seven days of being notified of a revocation of his or her licence, submit written reasons as to why the licence should not be revoked and his business not closed.

(4) If the Authority is not satisfied with the reasons submitted by the licence holder, the Authority may revoke the licence and close down the business.

(5) A licence holder who is aggrieved by a decision of the Authority may appeal to the Appeals Board in terms of section 12 of the Act.

Change of ownership, management or replacement of instructor

14. Where a change of ownership or of management of the business or a replacement of an instructor of a diving business for which a licence has been granted occurs, the licence holder shall, within seven days of such change or replacement, inform the Authority of that fact and of the qualifications of the new owner, manager or instructor.

Lost, stolen or destroyed documents

15. A licence holder shall forthwith inform the Authority of any lost, stolen or destroyed statutory Certificates or Documents issued by the Authority.

PART III - OFFENCES

Offences

16.(1) A person shall not without reasonable excuse —

- (a) withhold information which he or she is required to disclose in terms of these regulations;
- (b) ignore a request by an inspector to appear before the Authority;
- (c) refuse to answer a question required to fulfill the purpose

of these regulations put to him or her by an inspector or in the course of an investigation;

- (d) present false or misleading information required to be produced in terms of these regulations or on request of the Authority;
- (e) deny entry to, and willfully obstruct an inspector or other person acting on behalf of the Authority in exercising his or her functions under these regulations;
- (f) carry on business without a valid licence;
- (g) make a false statement in his or her application to the Authority;
- (h) after his or her vessel is issued a visiting status by the Seychelles Revenue Commission, conduct charter activities or any other commercial activities;
- (i) open or allow to remain open premises in respect of which a notice of closure is in force;
- (j) remove or otherwise tamper with a notice of closure;
- (k) lease out a vessel for bareboat charter without a certified person on board to man the vessel;
- (l) communicate to another person information which the person has acquired during the course of his or her duties as a member, officer, employee or agent of the Authority; and
- (m) advertise, invite or offer for hire or rent any licensable service for a fee without a valid licence.

(2) The owner or manager of a charter company who leases out a vessel on a bareboat charter basis, shall inform the Authority —

- (a) of the lessee who conducts a commercial activity in the vessel during the period for which it has been leased; or

(b) of a change of crew and passengers from those initially submitted to the Authority.

(3) A person who contravenes a regulation under sub regulation (1) and (2) commits an offence.

Penalties

17. A person who commits an offence under these regulations shall on conviction be liable to a maximum fine of SCR300,000.00 and to imprisonment of a term not exceeding five years.

Compounding of offence

18.(1) The Authority may, in consultation with the Attorney General, compound a punishable offence in lieu of instituting proceedings against a person who admits to having committed an offence under these regulations.

(2) A compounded monetary penalty shall not be less than SCR10,000.00 for a private individual and not less than SCR25,000.00 for a person other than a private individual.

(3) The compounded monetary penalty shall not exceed the maximum fine prescribed under these regulations.

(4) The Authority shall by written notice offer the offender the compounded monetary penalty giving the offender 14 days within which he or she should respond to the offer.

(5) Where the offender accepts the offer under sub regulation (4), he or she shall inform the Authority, no later than the 14 days after receipt of the Authority's notice, of his or her refusal or acceptance to compound the offence.

(6) The offender who agrees to compound shall make payment of the compounded monetary penalty to the Authority no later than 5 days after the acceptance of the written offer under sub regulation (4).

(7) The notice under sub regulation (4) shall inform the offender of his or her obligations under sub regulations (5) and (6) and shall describe the manner in which payment under sub regulation (6) is to be made.

(8) An acceptance to compound shall be final and conclusive.

(9) Where the offender breaches a term of the agreement to compound, the Authority may institute legal proceedings.

PART IV - MISCELLANEOUS

Transition

19.(1) A person who, on the date of the coming into operation of these regulations, has obtained a licence issued by the Seychelles Licensing Authority which has not yet expired, and who is required to obtain from the Authority a licence pertaining to a maritime commercial activity conducted within the regulated area in terms of these regulations, shall, on the expiration of that licence, lodge an application in terms of Regulation 4.

(2) Upon being registered in terms of Regulation 4, the person referred to under subregulation (1), shall subject his or her maritime commercial activity to the requirements herein provided.

SCHEDULE I

List of maritime licences issued by the Authority

1. Operating licence

(1) Operating licence for vessels which includes

- (a) hire craft
- (b) ferry vessel
- (c) passenger vessel
- (d) trade vessel
- (e) disposal barge
- (f) beach craft

- (g) shuttle vessel and
- (h) plying vessel
- (2) Licence for businesses operating vessels listed under sub-clause (1)
- (3) Operating licence for watercrafts which includes those conducting —
 - (a) commercial watercraft activities
 - (b) commercial non-motorised watercraft activities and
 - (c) parasailing activities
- (4) Operating licence for recruitment and placement agencies for seafarers
- (5) Operating licence for maritime training institutions
- (6) Operating licence for marinas
- (7) Operating licence for diving businesses which includes licences for —
 - (a) dive centre businesses
 - (b) dive operator businesses and
 - (c) professional diving businesses
- (8) Operating licence for waterparks
- (9) Operating licence for shipyard businesses which includes —
 - (a) ship building licence; and
 - (b) ship repair, maintenance and operation of lay-by-berth.

2. **Temporary cruise permit.**
3. **Surveyor licence which includes -**
 - (1) Cargo Surveyor licence
 - (2) Cargo and Marine Surveyor licence and
 - (3) Marine Surveyor licence

SCHEDULE II

Licence requirements

Operating licence

- 1.(1) A person who applies for an operating licence,
 - (a) if he or she is an individual applying for a licence shall, submit documentary proof to the satisfaction of the Authority that he or she has the knowledge, competence, skill or experience required for obtaining an operating licence;
 - (b) shall submit to the Authority his or her business plan setting out the type of business activity that he or she intends to carry on;
 - (c) shall produce documents showing evidence that the general requirements under regulation 7 have been complied with and produce any other document which the Authority deems necessary for an effective licence application;
 - (d) provide physical proof of the necessary approvals required for an operating licence application, by persons the Authority deems relevant for such purpose.
- (2) A person applying for an operating licence shall submit to the Authority —

- (a) through its representative if that person is a body corporate, copies of its certificate of incorporation, particulars of its directors and its memorandum and articles of association;
 - (b) where applicable, documentary proof to the satisfaction of the Authority that there are employed by the applicant, persons including the manager who possess the required education, competence, skill or experience;
 - (c) through its representative if it is a registered business, a copy of the Business Registration certificate;
 - (d) documents showing that the general requirements under regulation 7 have been complied with; and
 - (e) any other document the Authority deems necessary for an effective licence application.
- (2) A person applying for an operating licence for a vessel as per item 1 of Schedule I, or for a business operating vessels as per item 2 of Schedule I, in addition to ensuring that the requirements for obtaining an operating licence laid down in sub-clauses (1) and (2) of clause 1 in this Schedule are met, shall ensure —
- (a) that the vessel has been surveyed in accordance with the Merchant Shipping Act, 1995, as amended, the Act and the Seychelles Maritime Safety Authority (Control of vessels) Regulations;
 - (b) that the vessel is reported to be seaworthy, fitted and equipped for its intended use and furnished with a safety certificate issued annually in terms of the Merchant Shipping Act, 1995, the Seychelles Maritime Safety Authority (Identification of small vessel) Regulations and the Seychelles Maritime Safety Authority (Control of vessels) Regulations

- (c) that the particulars under Regulation 4(3)(b) and the documents displaying evidence of compliance to the general requirements under Regulation 7 are produced;
- (d) that the vessel is either registered in accordance with the Merchant Shipping Act, identified in accordance with the Seychelles Maritime Safety Authority (Identification of small vessels) Regulations, 2023 or maintains its foreign flag subject to the requirements laid down in sub-clause (4) below;
- (e) that if the vessel is registered under the Seychelles flag, the vessel has been issued a tonnage certificate as per the Merchant Shipping Act;
- (f) that if the vessel is registered in a country other than Seychelles, the vessel is registered commercially in that country in order to operate as a commercial vessel;
- (g) in circumstances where the foreign flagged vessel is not registered under the Seychelles flag, that the owner or operator of the vessel has, to the satisfaction of the Authority, requested documentary proof from the flagged country —
 - (i) that permission for the Authority's approved surveyors to survey the vessel has been obtained, and a Certificate of Compliance accordingly issued; and
 - (ii) that an endorsement for Seychellois seafarers to work onboard has been sought;

NB Where the flagged country does not grant permission or an endorsement the applicant shall provide the Authority with documentary proof of such refusal

- (h) that his or her foreign owned flagless vessel operating within the regulated area is either registered in accordance with the Merchant Shipping Act (Cap 282), or identified in terms of the Seychelles Maritime Safety Authority (Identification of small vessels) Regulations, 2023 prior to being granted a licence under these regulations;

- (i) if the person is applying for a licence to operate a beach craft, that all the requirements pertaining to beach craft under the licence, the Act, the Seychelles Maritime Safety Authority (Control of vessels) Regulations are met, that the relevant procedures issued by the Seychelles Maritime Safety Authority are adhered to and that he or she has submitted to the Authority, his or her valid Certificate of Proficiency or Certificate of Competency.
 - (j) if the person is applying for a licence to operate a shuttle, that the shuttle is used only for the transportation of persons and goods to service the proper operation of the commercial establishment, and that the vessel is not used for any other purpose, such as conducting charters.
- (4) A person applying for an operating licence for watercrafts, in addition to ensuring that the requirements for obtaining an operating licence laid down in sub-clauses(1), (2) and (3) of clause I of this Schedule are met, shall ensure —
- (a) that the provisions of the Seychelles Maritime Safety Authority (Control of vessels) Regulations are complied with;
 - (b) that the watercraft and all appliances and equipment associated therewith are identified by the Authority in accordance with the Seychelles Maritime Safety Authority (Identification of small vessels) Regulations, 2023;
 - (c) if the watercraft is operated on a commercial basis, that it has a rescue boat which meets the required standards set by the Authority;
 - (d) that it has onboard the appliances and equipment required by the Seychelles Maritime Safety Authority;
 - (e) that he or she submits to the Authority a valid Certificate of Proficiency in the form determined by the Authority; and
 - (f) that he or she submits any other document to the Authority that the Authority deems relevant to the commercial activity to be conducted.

- (5) A person applying for an operating licence for recruitment and placement agencies for seafarers or maritime training institutions, in addition to ensuring the requirements for obtaining an operating licence laid down in sub-clauses (1) and (2) of clause I under this Schedule are met, shall ensure —
- (a) that the applicant provides documentary evidence to the satisfaction of the Authority as to —
 - (i) his or her knowledge of the maritime industry;
 - (ii) his or her knowledge in maritime international instruments on training, certification and labour standards;
 - (iii) the adequacy of his or her training, including adequacy in approved sea service experiences; and
 - (iv) any agreement entered into between the applicant and a foreign organisation or person, or any other relevant document, where the applicant intends to set up a recruitment agency or institution under an authority given by a foreign person or organisation.
 - (b) that the agency or institution is developed and operated at such places leased or owned in accordance with property and environmental laws; and
 - (c) that the institution is registered and its relevant courses and training programs have been accredited by the Seychelles Qualifications Authority.
- (6) A person applying for an operating licence for a maritime training institution shall also ensure that the business plan submitted to the Authority as per Regulation 4 contains the following —
- (a) the objective and reasons for establishing the institution;
 - (b) the location of the institution;

- (c) a plan of the training rooms, laboratories, workshops and practical training rooms or practical training areas;
 - (d) a plan of all the facilities, including but not limited to facilities containing a smoke house, a swimming pool, simulation equipment, survival equipment, radar, engine or any other facility which the applicant intends to have within the institution;
 - (e) approvals from the relevant agencies pertaining to the plans in (c) and (d) where applicable;
 - (f) an Emergency Response Plan (ERP);
 - (g) a list of the courses the institution intends to conduct;
 - (h) a list of the qualified instructors the applicant intends to hire for the institution, including their qualifications and experiences; and
 - (i) a list of reference materials to be used by the students and instructors.
- (7) A person applying for an operating licence for marinas, in addition to ensuring the requirements for obtaining an operating licence laid down in sub-clauses (1) and (2) of clause I under this Schedule are met, shall ensure that the marina is developed and operated at such places leased or owned in accordance with the relevant property and environmental laws in Seychelles.
- (8) A person applying for an operating licence for diving businesses, in addition to ensuring the requirements for obtaining an operating licence laid down in sub-clauses (1) and (2) of clause I under this Schedule, shall ensure that —
- (a) in the case of a dive centre, the business employs at minimum, an open water instructor holding the qualifications specified in clause 1 of Schedule V;

- (b) in the case of a dive operator, the business employs at minimum, a dive master who holds the qualifications specified in clause 2 of Schedule V;
 - (c) in the case of a dive operator, the business ensures that their clients are certified divers;
 - (d) the persons other than the secretarial and office staff employed by the business, have successfully completed a Rescue Technique Speciality Course endorsed by the Authority;
 - (e) the Alfa Flag illustrated in Schedule III has been printed and is displayed at all times on all vessels whilst engaged in diving operations.
- (9) A person applying for a licence to operate a water park, in addition to ensuring that the requirements for obtaining an operating licence laid down in sub-clauses (1) and (2) of clause I under this Schedule are met, shall ensure that —
- (a) the water park has been surveyed and meets the standards of safety as required by the Authority;
 - (b) the following documents are produced —
 - (i) a Safety Evacuation Plan;
 - (ii) proof that the operator of the waterpark is capable of operating the waterpark safely to the satisfaction of the Authority;
 - (iii) a valid occupancy certificate from the authority responsible for planning in Seychelles;
 - (iv) a risk assessment certificate;

- (c) the following are clearly laid down in the business plan —
- (i) the size, complexity and type of material used for the waterpark;
 - (ii) the location and the condition of the sea where the waterpark will be stationed; and
 - (iii) the number of personnel needed for the safe operation of the waterpark.
- (10) A person applying for an operating licence for a shipyard business in sub-clause (9) of clause 1 under Schedule I, in addition to ensuring that the requirements for obtaining an operating licence laid down in sub-clauses (1) and (2) of clause I under this Schedule are met, shall —
- (a) where he or she intends to build ships under an authority given by a foreign person or organisation, produce to the Authority the relevant agreements entered into between him or her and the foreign person;
 - (b) where applicable, produce evidence of the original ship building warranty for the duration period of the licence;
 - (c) produce physical proof of the necessary approvals required by persons the Authority deems relevant for an application for operating a shipyard business; and
 - (d) submit documents to show that the shipyard is to be developed and operated in accordance with the requirements and conditions determined by the Authority in relation to the development and operation of the shipyard.

Temporary Cruise Permit

2. A person applying for a temporary cruise permit shall —

- (a) ensure the vessel for which a permit is sought measures 24 metres or more in length;
- (b) inform the Authority, at least a month prior to importing the vessel into Seychelles of —
 - (i) his or her intention to conduct the commercial activity requiring a temporary cruise permit;
 - (ii) the list of passengers expected to be chartered while in the regulated area;
 - (iii) the dates, times and routes of each intended voyage; and
 - (iv) the entry and departure dates of the vessel into the regulated area;
- (c) ensure the vessel has been surveyed in accordance with the Merchant Shipping Act;
- (d) ensure the vessel is reported to be seaworthy and fitted and equipped for its intended use in accordance with the requirements of the Merchant Shipping Act;
- (e) undergo procedures for obtaining Port Clearance from the relevant agencies that the Authority so requires;
- (f) consult and obtain approval from the public bodies identified by the Authority as being relevant for the purpose of obtaining a temporary cruise permit;
- (g) produce documents showing evidence that the general requirements under Regulation 7 have been complied with and produce any other document the Authority deems necessary for an effective temporary cruise permit application.

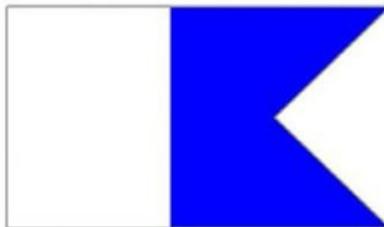
Surveyors licence

3. A person applying for a surveyors licence shall ensure that the following documents are produced to the Authority
- (a) in the case of an individual applicant —
 - (i) a true copy of his or her degree or diploma in Surveying; or
 - (ii) documentary proof to the satisfaction of the Authority that the individual has the necessary experience to practice as a surveyor.
 - (b) in the case of a firm —
 - (i) the degree, diploma or documentary proof of necessary experience referred to in paragraph (a) in respect of each partner of the firm; or
 - (ii) documentary proof to the satisfaction of the Authority that there is a person employed by the firm who holds the degree or diploma or has the necessary experience referred to in paragraph (a).
 - (c) in the case of a corporate body —
 - (i) documentary proof to the satisfaction of the Authority that there are persons employed by the corporate body who satisfy the requirements of paragraph(a); and
 - (ii) a true copy of the company's memorandum, particulars pertaining to its directors and its certificate of incorporation; and
 - (d) documentary proof showing that the general requirements under regulation 7 have been complied with; and
 - (e) documents the Authority requires in terms of Regulation 4 (3) (b).

SCHEDULE III

Flag

Flag (35 cm white square and 40 cm blue forked rectangle)



SCHEDULE IV*Accompanying particulars*

Licence for operating vessels	Hire craft	Ferry vessel	Passenger vessel	Trade vessel	Disposal barge	Shuttle
Documents required						
Business Registration Certificate (if applicable)	X	X	X	X	X	X
Certificate of Incorporation, Particulars of Directors and Articles & Memorandum of Association (if applicable)	X	X	X	X	X	X
Business plan	X	X	X	X	X	X
Approval from the ministry responsible for finance, trade, investment & economic planning	X	X	X	X	X	X
Approval from the ministry responsible for public administration (if applicable)	X	X	X	X	X	X
Insurance coverage document	X	X	X	X	X	X
Police Character Certificate	X	X	X	X	X	X
Declaration of Ownership	X	X	X	X	X	X

Report from an independent surveyor approved by SMSA	X	X	X	X	X	X
Inspection report from the ministry responsible for tourism	X					X
Lease agreement of property, vessel or asset (if applicable)	X	X	X	X	X	X
Certificate of Registry for vessels of 10m in length and above	X	X	X	X	X	X
Certificate of Identification for vessels under 10m in length	X	X	X	X	X	X

Types of Operating Licenses

	Businesses operating vessels	Commercial Watercraft activities	Non-motorized watercraft activities	Parasailing activities	Recruitment and placement agency	Maritime training institution	Marina
Documents required							
Business Registration Certificate (if applicable)	X	X	X	X	X	X	X
Certificate of Incorporation, Particulars of Directors and Articles & Memorandum of Association (if applicable)	X	X	X	X	X	X	X
Business plan	X	X	X	X	X	X	X
Approval from the ministry responsible for finance, trade, investment & economic planning	X	X		X	X	X	X
Approval from the ministry responsible for education						X	
Insurance coverage document	X	X		X	X	X	X
Police Character Certificate	X	X		X	X	X	X
Notarized Declaration of Ownership	X	X					
Survey report from SMSA		X	X	X			
Report from an independent surveyor approved by SMSA							

Inspection report from the ministry responsible for tourism (if applicable)	X	X	X	X			
Lease agreement of property, vessel or asset (if applicable)	X	X			X	X	X
Certificate from a recognized association							X
Approval from the ministry responsible for public administration (if applicable)	X	X	X	X	X	X	X
Approval from the ministry responsible for planning					X	X	X
Approval from ministry responsible for environment (if applicable)					X	X	X
Agreement between applicant and foreign organization (if applicable)	X				X	X	
Certificate of Registry for vessels of 10m in length and above	X						
Certificate of Identification for vessels under 10m in length		X	X	X			
Registration and accreditation by the Seychelles Qualifications Authority						X	

	Diving business	Waterpark	Shipbuilding	Ship repair, maintenance and lay-by-berth	Temporary Cruise Permit	Surveyor
Documents required						
Business Registration Certificate (if applicable)	X	X	X	X		X
Certificate of Incorporation, Particulars of Directors and Articles & Memorandum of Association (if applicable)	X	X	X	X		X
Business Plan	X	X	X	X		
Approval from the ministry responsible for finance, trade, investment & economic planning	X	X	X	X		X
Approval from the ministry responsible for education	X					
Insurance coverage document	X	X	X	X	X	
Police Character Certificate	X	X	X	X		X
Declaration of Ownership (if applicable)	X				X	
Survey Report from SMSA		X				
Report from independent surveyor approved by SMSA	X					
Inspection report from ministries responsible for tourism, fire and rescue services and the bureau of standards (where applicable)	X					

Lease agreement of property, vessel or asset (if applicable)	X	X	X	X			
Certificate from a recognized association			X	X			
Approval from the ministry responsible for public administration		X	X	X			X
Approval from the ministry responsible for planning			X	X			
Approval from the ministry responsible for environment (if applicable)			X	X			
Agreement between applicant and foreign organization (if applicable)	X		X	X			X
Certificate of Registry for vessels of 10m in length and above	X					X	
Certificate of Identification for vessels under 10m in length	X						
Recommendation from ministry responsible for tourism	X	X				X	

SCHEDULE V

Qualifications

1. An open water instructor requires —
 - (a) a teaching status open water instructor licence from an association of professional diving instructors;
 - (b) an internationally recognised first aid certificate;
 - (c) sufficient training in oxygen administration;
 - (d) a Certificate of Competence in Cardiopulmonary Resuscitation, approved by the Authority;

2. A dive master requires —
 - (a) dive master qualification from any association of professional diving instructors recognised by the Authority;
 - (b) an internationally recognised first aid certificate;
 - (c) sufficient training in oxygen administration; and
 - (d) a Certificate of Competence in Cardio Pulmonary Resuscitation, approved by the Authority.

MADE this 12th day of January, 2023.

**ANTONY DERJACQUES
MINISTER OF TRANSPORT**
