

DECLASSIFICATION AS DOMAINE PUBLIC (PROVIDENCE LAGOON) BILL, 2023

(Bill No. 13 of 2023)

EXPLANATORY STATEMENT OF OBJECTS OF AND REASONS FOR THE BILL

The object of this Bill is to make provision for the declassification of a specified area of water and sea bed that forms part of the *domaine public* at Providence, Mahe, Seychelles (the “Specified Area”), in order for that area to cease to be part of the *domaine public*.

The Specified Area will be used for the development of a 5 Megawatt floating photo voltaic plant on the marine environment, not only to contribute to the country's transition to greener energy sector but also to address the country's limited available land areas for such projects.

The Bill seeks to declare the Specified Area as a protected area, on the basis that it is in the public interest that special precautions should be taken to prevent unauthorised persons from entering the area without the permission of the prescribed authority. This is to ensure that the Specified Area, together with any equipment and assets located therein, is protected.

The Bill in addition makes provision for the entering into by the Minister of an agreement to grant exclusive rights of use over the specified area to such an entity as the Minister may determine.

Finally, the Bill permits the Minister to make Regulations for giving further effect to the provisions of the Bill.

Dated this 31st day of August, 2023.

**FLAVIEN JOUBERT
MINISTER FOR AGRICULTURE,
CLIMATE CHANGE AND ENVIRONMENT**

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ARRANGEMENT OF SECTIONS

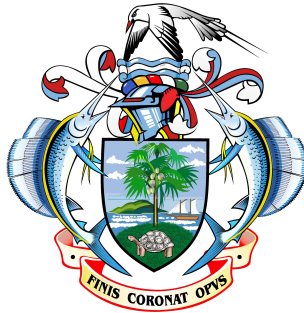
Sections

1. Short title and commencement
2. Interpretation
3. Purpose of the Act
4. Declassification of the specified area as *domaine public*
5. Declaration of the specified area as a protected area
6. Exclusive rights agreement
7. Offences and penalties
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SCHEDULES

DECLASSIFICATION AS DOMAINE PUBLIC (PROVIDENCE LAGOON) BILL, 2023

(Bill No. 13 of 2023)



**A BILL
FOR**

AN ACT TO DECLASSIFY AN AREA THAT IS CURRENTLY *DOMAINE PUBLIC*, TO DECLARE THE DECLASSIFIED AREA AS A PROTECTED AREA, TO ALLOW THE MINISTER TO ENTER INTO AGREEMENTS WITH PERSONS OR ENTITIES, OR PUBLIC BODIES, TO ALLOW THE EXCLUSIVE RIGHT OF USE OF THE DECLASSIFIED AREA, AND TO PROVIDE FOR OTHER RELATED MATTERS.

ENACTED by the President and the National Assembly.

Short title and commencement

1. This Act may be cited as the Declassification of Domaine Public (Providence Lagoon) Act, 2023 and shall come into operation on such date as the Minister may, by notice published in the Gazette appoint.

Interpretation

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

“Minister” means the Minister responsible for the environment;

“protected area” means an area in respect of which it is necessary or expedient in the public interest to put in place special restrictions to prevent the entry of unauthorised persons; and

“specified area” means the area of the water and the seabed delineated by the coordinates set out in the First Schedule, and specified in the Second Schedule.

Purpose of the Act

3. The purpose of this Act is —

- (a) to declassify the specified area as *domaine public*;
- (b) to declare the specified area as a protected area; and
- (c) to make provision for the entering into by the Minister of an exclusive rights agreement in relation to the specified area.

Declassification of the specified area as *domaine public*

4. The specified area shall cease to be part of the *domaine public*.

Declaration of the specified area as a protected area

5.(1) The specified area shall be a protected area and accordingly sections 5 to 9 of the Protected Areas Act (*Cap 185*) shall, with any necessary modifications, apply to the specified area.

(2) Save for those persons authorised in writing by the Minister, no person shall be permitted to enter the specified area without the permission of the Minister, or of the prescribed authority.

(3) Any person who is granted permission to be in the specified area pursuant to subsection (2) shall, while acting under such permission, comply with such directions for regulating his or her conduct as may be given by the Minister or specified in any exclusive rights agreement entered into pursuant to section 6.

(4) Where a person is granted permission to be in the specified area by the prescribed authority, that person shall, while acting under such permission, comply with such directions for regulating his or her conduct as may be given by the prescribed authority.

(5) For the purposes of this section, “prescribed authority” under this Act means the Minister or the person, entity or public body that is in possession, custody and control of the specified area under the exclusive rights agreement.

Exclusive rights agreement

6.(1) The Minister may enter into an exclusive rights agreement in relation to the specified area.

(2) The exclusive rights agreement concluded under subsection (1) shall provide exclusive rights of use in favour of any person, entity or public body over the specified area for the period of time specified in the agreement and in respect of any of the activities specified in the agreement.

Offences and penalties

7.(1) A person who is in the specified area without permission contrary to the provisions of section 5 of this Act or who fails to comply with any direction given to him or her under section 4 of the Protected Areas Act or refuses to allow himself or herself to be searched under section 5 of the Protected Areas Act commits an offence and shall on conviction be liable to a fine of level 2 on the standard scale or to imprisonment not exceeding two years or both.

(2) Any person who wilfully and unlawfully removes, destroys, damages, alters or defaces a warning notice erected at or near the site of the

specified area commits an offence and shall on conviction be liable to a fine of level 1 on the standard scale or to imprisonment not exceeding one year or both.

(3) Any person who fails to comply with any of the requirements of a notice issued to him or her under section 9 of the Protected Areas Act commits an offence and shall on conviction be liable to a fine of level 1 on the standard scale or to imprisonment not exceeding six months or both.

(4) An offence under this Act shall be a cognizable offence within the meaning and for the purposes of the Criminal Procedure Code (Cap. 54)

Regulations

8. The Minister may make regulations —

- (a) to prescribe all matters which are required by this Act to be prescribed, or which are necessary or expedient to be prescribed for giving effect to this Act; and
- (b) to amend the Schedules.

SCHEDULES
FIRST SCHEDULE

(Section 2)

Specified area

The specified area is the area of water and seabed with the following coordinates

Geographic Coordinate System: World Geodetic System 1984 (WGS 84) Datum: WGS 84 All Coordinates in Decimal Degrees		
POINT	LONGITUDE	LATITUDE
1	55.48257856780	-4.65141573755
2	55.48220947980	-4.65121246109
3	55.48217937950	-4.65119507449
4	55.48219736860	-4.65098667010
5	55.48230807160	-4.65076924730
6	55.48277273960	-4.65100934740
7	55.48281029890	-4.65093118912
8	55.48258891630	-4.65079820727
9	55.48236171790	-4.65066905833
10	55.48211334410	-4.65141308185
11	55.48012756630	-4.65203096736
12	55.48061991280	-4.65306181795
13	55.48066209190	-4.65317444365
14	55.48079770600	-4.65332117523
15	55.48085089830	-4.65346808668
16	55.48093188130	-4.65356935664
17	55.48104195020	-4.65361876539
18	55.48106324800	-4.65369561966
19	55.48103240480	-4.65373288037
20	55.48101737000	-4.65385840954
21	55.48104543240	-4.65389436174

GCS_WGS_1984
D_

Prime
Meridian: Greenwich
Angular
Unit: Degree

22	55.48104195470	-4.65395943758
23	55.48098788840	-4.65403923982
24	55.48095699130	-4.65406494964
25	55.48090276040	-4.65414720973
26	55.48092890270	-4.65418937894
27	55.48089107100	-4.65426060165
28	55.48085818370	-4.65429617883
29	55.48071243320	-4.65438176910
30	55.48081564840	-4.65444501662
31	55.48091223200	-4.65495466243
32	55.48113133830	-4.65517046015
33	55.48135531720	-4.65530665528
34	55.48159112390	-4.65556914760
35	55.48150899510	-4.65569652667
36	55.48159028580	-4.65587460863
37	55.48188947850	-4.65601994267
38	55.48210125450	-4.65601465735
39	55.48262411850	-4.65639910943
40	55.48278404220	-4.65638935628
41	55.48300015650	-4.65653963659
42	55.48319613680	-4.65669619777
43	55.48341143360	-4.65646108351
44	55.48365820310	-4.65623284097
45	55.48379652870	-4.65612471908
46	55.48394062440	-4.65605672044
47	55.48412019110	-4.65600993141
48	55.48410081340	-4.65595622660
49	55.48419641490	-4.65592245526
50	55.48422929050	-4.65601397566
51	55.48435127550	-4.65602077724
52	55.48477879880	-4.65596372425
53	55.48502939670	-4.65581085029
54	55.48526189840	-4.65558019667
55	55.48532479610	-4.65556911522
56	55.48545201690	-4.65559231863

57	55.48549499820	-4.65561741691
58	55.48580490280	-4.65563395364
59	55.48590417980	-4.65557401473
60	55.48562712930	-4.65516883148
61	55.48463098620	-4.65425827600
62	55.48375064260	-4.65377105389
63	55.48273209650	-4.65312160668
64	55.48232578100	-4.65202726665
65	55.48226615420	-4.65266303517
66	55.48233331910	-4.65327106501
67	55.48240427020	-4.65359411588
68	55.48253113400	-4.65388452495
69	55.48277758060	-4.65408231645
70	55.48520745620	-4.65546337743
71	55.48268078120	-4.65425963038
72	55.48237949570	-4.65399784762
73	55.48222268180	-4.65367315819
74	55.48212492550	-4.65329073408
75	55.48192469060	-4.65225157015
76	55.48118161490	-4.65243121963
77	55.48127642600	-4.65347314627
78	55.48139848290	-4.65391172225
79	55.48143933100	-4.65401193280
80	55.48141660960	-4.65409769395
81	55.48148676390	-4.65453392270
82	55.48163532740	-4.65506264493
83	55.48230752930	-4.65567342309
84	55.48301195740	-4.65598588174
85	55.48363570380	-4.65590649769
86	55.48407619000	-4.65577287192
87	55.48489456220	-4.65560524818
88	55.48597237990	-4.65609640842
89	55.48617687950	-4.65618375598
90	55.48617673830	-4.65633606246
91	55.48612655160	-4.65638620326

SECOND SCHEDULE

(Section 2)

