

**FISHERIES AND AQUACULTURE BILL, 2025***(Bill No. 2 of 2025)***EXPLANATORY STATEMENT OF THE OBJECTS  
AND REASONS FOR THE BILL**

The objective of this Bill is to ensure the long-term conservation, management and development of sustainable fisheries in Seychelles and genetic material derived thereof, while safeguarding the marine resources, biodiversity, environment and ecosystems for the benefit of the people of Seychelles.

The Bill seeks to provide for the sustainable management and development of fisheries, aquaculture and related activities in all areas over which the Republic of Seychelles exercises jurisdiction and sovereign rights, for the exercise of effective control of fishing and related activities of Seychelles nationals in areas beyond national jurisdiction, including persons and vessels, for the implementation of regional and international obligations and standards.

Finally, the Bill seeks to domesticate the provisions of the regional and international fisheries instruments, which Seychelles is a party, including the United Nations Convention on the Law of the Sea (UNCLOS), the United Nations Fish Stock Agreement (UNFSA), various Fisheries and Agriculture Organisation (FAO) instruments, Port State Measure to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing, and in particular to domesticate the Indian Ocean Tuna Commission (IOTC) This will nonetheless, facilitate the implementation of those instruments.

**Dated this 9<sup>th</sup> day of April, 2025.**

**JEAN-FRANÇOIS FERRARI  
MINISTER FOR FISHERIES AND  
THE BLUE ECONOMY**

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### **SCHEDULE - CLASSIFICATION OF LOCAL FISHING VESSELS**

**FISHERIES AND AQUACULTURE BILL, 2025***(Bill No. 2 of 2025)***A BILL  
FOR**

**AN ACT TO PROVIDE FOR THE SUSTAINABLE MANAGEMENT AND DEVELOPMENT OF FISHERIES, AQUACULTURE AND RELATED ACTIVITIES IN ALL AREAS OVER WHICH THE REPUBLIC OF SEYCHELLES EXERCISES JURISDICTION AND SOVEREIGN RIGHTS; TO PROVIDE FOR THE EXERCISE OF EFFECTIVE CONTROL OF FISHING AND RELATED ACTIVITIES OF SEYCHELLES NATIONALS IN AREAS BEYOND NATIONAL JURISDICTION, INCLUDING PERSONS AND VESSELS; TO PROVIDE FOR THE DOMESTICATION OF REGIONAL AND INTERNATIONAL INSTRUMENTS, OBLIGATIONS AND STANDARDS AND FOR RELATED MATTERS.**

**ENACTED BY THE PRESIDENT AND THE NATIONAL ASSEMBLY**

**PART I - PRELIMINARY****Short title and commencement**

**1.** This Act may be cited as the Fisheries and Aquaculture Act, 2025 and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.



## Interpretation

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

“abandoned” in relation to —

- (a) a fishing vessel, means a vessel, including a wrecked vessel, which is moored, stranded, unattended in a dismantled condition, unoccupied or in disrepair; or
- (b) in relation to any gear, means any fishing gear that has been intentionally or unintentionally left, discarded or lost in the marine environment, and is no longer under the control of its owner or operator;

“agent” means a person in Seychelles who holds a valid licence issued under the Licences (Shipping Agents) Regulations and who is appointed and authorised by the operator of a fishing vessel to respond to any legal action instituted in Seychelles against the agent's principal;

“aircraft” means a craft capable of self-sustained movement through the atmosphere, and includes helicopters and unmanned or remotely operated airborne devices;

“applicable international conservation and management measure” or “applicable ICCM” means a conservation and management measure adopted by a relevant regional fisheries management organisation in accordance with its procedures and which is legally binding on Seychelles;

“applicant” means a person making an application for a licence, authorisation or permit, and includes any person making the application on behalf of the applicant, with the applicant's authorisation;

“aquaculture” means —

- (a) the cultivation, propagation or farming of fish;

- (b) includes the cultivation, propagation or farming of aquatic organisms from eggs, spawn, spat, fragment or seed, as well as the rearing of fish taken from the wild or imported into Seychelles, or through similar process; and
- (c) the collection and holding of live fish, under controlled conditions for purposes such as trade, business or research;

“associated electronic equipment” means any device or system that can be used to locate, track or otherwise monitor a fish aggregating device;

“authorised vessel” in relation to an international conservation and management measure, means a fishing vessel entered on the record of fishing vessels of an applicable regional fisheries management organisation that is —

- (a) twenty-four metres in length overall or more; or
- (b) in case of vessels less than twenty-four metres in length overall, those operating in waters outside Seychelles waters, and holding a valid and applicable authorisation to operate in the area of competence of such regional fisheries management organisation and for species under its mandate;

“authorised officer” means a person appointed pursuant to section 79;

“Authority” means the Seychelles Fisheries Authority established under the Seychelles Fisheries Authority Act 2024 (Act 7 of 2024);

“Automatic Identification System” or (AIS) means the system required pursuant to Chapter V, Regulation 19 of the International Convention for the Safety of Life at Sea as may be applicable to vessels used for fishing or related activities;

“beneficial owner” means the natural person who ultimately owns or controls a vessel or the natural person on whose behalf a transaction is being conducted, and includes those persons who exercise ultimate effective control over a legal person or arrangement;

“biodegradable” means non-synthetic materials and/or bio-based alternatives that are consistent with international standards for materials that are biodegradable in marine environments, and whose components resulting from the degradation of these materials are not be damaging to the marine and coastal ecosystems or include heavy metals or plastics in their composition;

“bioprospecting” in relation to activities under this Act means the systematic search for and development of new sources of chemical compounds, genes, micro-organisms, macro-organisms and other valuable products from fish and includes the search for economically valuable genetic and biochemical resources from fish;

“buy” includes —

- (a) barter or attempt to barter;
- (b) purchase or attempt to purchase;
- (c) trade or attempt to trade;
- (d) receive on account or consignment; or
- (e) receive in order to send, forward or deliver for sale;

“bycatch” means part of a catch taken incidentally in addition to the target species towards which fishing a effort is primarily directed, and may include —

- (a) different species from the target species;

- (b) non-target species identified by any international conservation and management measure, applicable licence, authorisation, permit or fisheries management plan;
- (c) undersized or juvenile individuals or the prohibited sex of the target species;
- (d) species which are incidentally affected by interacting with fishing equipment gear in the fishery, but are not taken;
- (e) those components of the target species of industrial fisheries that are rejected, inter alia because —
  - (i) the sizes are too small for canning or other external markets requirements; or
  - (ii) of the heavy metal content of larger fishes, damage during hauling, depredation, or rejection of target species by primary markets for other quality concerns;

“chartered vessel” means a vessel flying the flag of a contracting or cooperating non-contracting party of a relevant regional fisheries management organisation, which is contracted by an operator in another member state for a defined period of time, without a change of flag;

“chartering member” means a member State of a relevant regional fisheries management organisation, which holds the quota allocation or fishing possibilities, including valid chartering agreement;

“chartering of vessel” means a charter agreement in accordance with section 41;

“Chief Executive Officer” means the Chief Executive Officer of the Authority;

“commercial fishing” means any fishing or fishing related activity resulting or intending or appearing to result in the sale or trade of any fish taken, caught or harvested during a fishing operation;

“commercial fishing vessel” means a fishing vessel used for commercial fishing;

“co-management arrangement” means a partnership arrangement in which the Government, local resource users such as fishers, organisations including Non-Governmental Organisations, and other fisheries and marine resource stakeholders, including tourism operators, share the responsibility and authority for decision making in the management of a fishery;

“configured” in relation to the use of large-scale drift-nets, means having on board assembled gear that collectively would allow the vessel to deploy and retrieve large-scale driftnets;

“continental shelf” has the meaning given to it under section 11 of the Maritime Zones Act, (*Cap 122*);

“conservation” means the protection, improvement, and use of natural resources according to principles that will assure their highest economic or social benefits;

“conservation and management measures” includes international conservation and management measures;

“court” means a court of competent jurisdiction in Seychelles;

“data buoy” means any floating device, either drifting or anchored, that is deployed for the purpose of electronically collecting environmental data, and not for the purpose of fishing activities;

“demersal trawl net” means a net that is pulled through the water

with the demersal trawl net gear touching the seabed to target benthic species;

“discard” means that portion of the total catch which is thrown away or returned to the sea;

“dredge” means a fishing gear which is dragged along the seabed to catch benthic species;

“electronic reporting system or ERS” means an electronic system installed on a vessel for the purpose of recording, reporting and transmitting near real-time data related to fishing or related activities and may include, inter alia, information on catch, bycatch, fishing effort and vessel location;

“electronic monitoring system” or “EMS” means an on-board information and data collection system, which may include, without limitation, on-board cameras, Global Positioning System, scanning devices, sensors, or other imaging technology to acquire verifiable information relating to, inter alia, vessel position, methods and duration of fishing and related activities, gear, species and number of catch and bycatch taken on board vessels, released or transshipped;

“endangered species” includes species that are declared endangered species under Seychelles law or any applicable international agreement;

“equipment” in relation to a vessel includes electronic equipment;

“Exclusive Economic Zone” has the same meaning given by the Maritime Zones Act, (*Cap 122*) and in accordance with the Maritime Zones (Exclusive Zone and Continental Shelf) Order, 2008;

“exploratory fishing” means fishing for the purpose of assessing the sustainability and feasibility of future commercial fisheries by contributing to scientific data relating to such fisheries;

“field inspector” means a person who collects information on land during the unloading of a vessel;

“fish” means any aquatic or marine organism, other than a bird, living or not and processed or not, and includes finfish, crustacean, mollusc, coral, echinoderm, holothurian, reptile, marine mammal and amphibious and sedentary species, and any of their parts or derivatives and includes plants to the extent they are directly essential for the habitat or survival of fish;

“fish aggregating device” or “FAD” —

- (a) means an object or group of objects of any size, whether drifting, anchored, floating, submerged, deployed and tracked or not, that may be a permanent, semi-permanent or temporary object, structure or device of any material, man-made, natural or a combination of both, for the purpose of aggregating target species for capture; and
- (b) includes any natural floating object on which associated electronic equipment has been placed to facilitate its location;

“fish product” means any fish which has been partly or wholly processed;

“fisher” means a person employed or engaged in any capacity or carrying out an occupation whether or not on board any vessel used for fishing or related activities;

“fishery” or “fisheries” means —

- (a) one or more stocks of fish, or parts of such stocks, which can be treated as a unit for the purposes of conservation and management, taking into account geographical, scientific, technical, customary, recreational, economic and other relevant characteristics; or
- (b) any fishing for such stocks;

“fishery resource” or “fisheries resource” means any fish, fishery, stock, species, or habit of fish or part of any resource;

“fish stock” means a population of fish, including straddling or migratory species, which constitute a coherent reproductive unit;

“fishing” means —

- (a) attracting, locating, taking, killing, catching, collecting or harvesting any fish; and
- (b) includes —
  - (i) searching for, the attempted searching for, attracting, locating, taking or harvesting of fish;
  - (ii) engaging in any activity which can reasonably be expected to result in the attracting, locating, taking or harvesting of fish;
  - (iii) placing, searching for, retrieving or recovering any fish aggregating device or associated electronic equipment including instrumented buoys:
- (c) any operation at sea in support of or in preparation for any activity described in paragraphs (a) and (b)(i) to (iii); or
- (d) any use of an aircraft which is related to any activity described in paragraphs (a) and (b)(i) to (iii), except for flights in emergencies involving the health or safety of a crew member or the safety of the vessel;

“fishing vessel” means any vessel or water going craft used for, intended to be used for, equipped to be used or intended to be equipped to be used for or of a type that is normally used for fishing or related activities and includes a local vessel, a joint-venture vessel, a Seychelles vessel, a Seychelles registered vessel or a foreign vessel;



“fish dealer” or “fish monger” means a person who purchases, collects, transports, or stores fish or fish products for the purpose of trading, or otherwise dealing in fish or fish products;

“flag state” means the state under whose laws the vessel is registered;

“fixed penalty” means a fixed sum which a person may pay by way of discharging liability to conviction for an offence;

“fixed penalty notice” means a notice under section 89 offering a person an opportunity to discharge his or her liability to conviction for an offence on payment of a fixed penalty;

“foreign vessel” means a fishing vessel not registered in Seychelles;

“gear” in relation to fishing —

- (a) means any equipment, implement or other item or combination of items or parts that may be used for fishing; or
- (b) includes a net, rope, line, float, trap, hook, or a winch;

“genetic resource” includes germplasm of plants, animals or other organisms containing useful characters of actual or potential value;

“illegal, unreported and unregulated fishing (IUU)” has the same meaning given to it in the 2001 Food and Agriculture Organisation International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing, which includes —

- (a) illegal fishing activities —
  - (i) conducted by national or foreign vessels in waters under the jurisdiction of a State, without the

permission of that State, or in contravention of its laws and regulations;

- (ii) conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or
- (iii) in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization;

(b) unreported fishing activities —

- (i) which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
- (ii) undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

(c) unregulated fishing activities —

- (i) in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or

- (ii) in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law;

“instrumented buoy” means a buoy with a clearly marked reference number allowing identification of its owner and equipped with a satellite tracking system to monitor its position;

“international agreement” means a treaty, convention or other form of agreement or arrangement legally binding on Seychelles and entered into with another State or other States or any regional economic integration organisation or entity, and may be concluded at the international, regional, sub-regional or bilateral level;

“international conservation and management measure” means any legally binding measure to conserve or manage one or more species of fish that is adopted by any relevant regional fisheries management organization or international agreement applicable to Seychelles;

“International Convention for the Safety of Life at Sea” or “SOLAS” means the convention adopted on 1 November 1974, as amended, under the auspices of the International Maritime Organization, governing the safety of ships at sea;

“joint venture vessel” means a fishing vessel which —

- (a) is registered in Seychelles under the Merchant Shipping Act (Cap 127);
- (b) exceeds 18 metres in length overall;
- (c) is licensed for tuna and tuna-like species, and other species in accordance with condition of the licence;

- (d) is wholly beneficially owned by a company established under any written law of Seychelles and having a place of business in Seychelles; or
- (e) has at least 51 per cent of the actual effective shares are beneficially owned by a citizen of Seychelles;

“land” in relation to fish —

- (a) means the transfer of any fish or fish product from a fishing vessel, other than a transshipment; and
- (b) includes the transfer of fish or fish products from a fishing vessel to a port, landing site, container, vehicle, aircraft or other facility;

“landing site” for the purposes of section 93 means a port, wharf, beach or any other location approved by the Authority for the unloading of fish and fish products by a local fishing vessel;

“large-scale driftnets” means gillnets or other nets or a combination of nets that are more than 2.5 kilometres in length whose purpose is to enmesh, entrap, or entangle fish by drifting on the surface of, or in, the water column;

“local fishery or fisheries” means a fishery conducted by local vessels which are licensed for the permitted activities as specified under the schedule;

“local fishing vessel” means a fishing vessel with a length overall of less than 24 metres —

- (a) that is registered as such under the Merchant Shipping Act (*Cap 282*); or
- (b) with an overall length of 10 metres or less, identified as such under the Seychelles Maritime Safety Authority Act (*Act 2 of 2020*); or

- (c) wholly or beneficially owned by one or more citizens of Seychelles or by a company established under any written laws of which all of the shares are beneficially owned by citizens of Seychelles; and

is classified under the schedule for the permitted activities specified for each class of vessel;

“log book” means a record containing information and data relating to fishing and related activities, maintained in a format as specified by the Authority and shall include electronic logbooks;

“marine mammal” means those specimens of the following orders, which are morphologically adapted to the marine environment, and any part thereof, including but not limited to Cetacea and Pinnipedia, other than walrus, and includes any part or derivative thereof;

“maritime zones” includes all maritime zones defined in the Maritime Zones Act, Act, (*Cap 122*);

“master” in relation to a fishing vessel means the person —

- (a) in charge or in command of a fishing vessel; or
- (b) for the time being in charge or apparently in command of a fishing vessel;

“Minister” means the minister responsible for fisheries;

“mobile transceiver unit” (MTU) means a vessel monitoring system device approved by the Authority, which is installed on board a vessel and is designed to automatically transmit, whether independently or in conjunction with another device or devices, information or data concerning position, fishing, catch and such other activities as may be required, and allows detection and identification of the vessel at all times;

“national” when referring to a Seychelles national, includes a citizens of Seychelles, and a vessel registered or identified in Seychelles;

“observer” means a person assigned to monitor and record fishing and related activities;

“operator” in relation to a fishing vessel —

- (a) means a person who is in charge of, or responsible for the operations of, or directs or controls a vessel, and
- (b) includes the owner, charterer, master and the beneficiary of the economic benefit of the vessel's operations;

“organised criminal group” has the same meaning as the 2003 United Nations Convention against Transnational Organised Crime, and includes a group of three or more persons that was not randomly formed and has existed over a period of time and that acts in concert with the aim of committing at least one crime punishable by at least four years' imprisonment in order to obtain, directly or indirectly, a financial or other material benefit;

“permitted activities” means the fishing activities specified in the schedule which a vessel is licensed, permitted or authorised to conduct as specified in the schedule;

“prescribed” means prescribed by regulations;

“process” in relation to fish, includes cutting up, dismembering, separating parts of, cleaning, sorting, packing, loining, freezing, salting, canning or preserving fish;

“recreational fishing” means any fishing activity for recreation or pleasure which does not result or intend or appear to result, directly or indirectly in the trading or selling of fish or fish products taken during the fishing activity;

“related activities” in relation to fishing, or “fishing related activities” includes any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;

“regional fisheries management organisation” or “RFMO” means an intergovernmental fisheries organisation or arrangement that has the competence to establish conservation and management measures;

“relevant regional fisheries management organization” or “relevant RFMO” means an RFMO of which Seychelles is a party or member, or is otherwise legally bound by international conservation and management measures adopted in accordance with its procedures;

“sedentary species” means living organisms belonging to sedentary species that are at the harvestable stage either immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil;

“sell” includes —

- (a) any method of disposition for consideration, including cash, trade and barter, of anything which has value or which can be exchanged for cash;
- (b) disposition to an agent for sale on consignment;
- (c) offering or attempting to sell, or receiving or having in possession for sale, or displaying for sale, or sending or delivering for sale, or causing or permitting to be sold, offered, or displayed for sale;
- (d) disposition by way of raffle, lottery, or other game of chance;

“scientific research” includes bioprospecting and exploratory fishing operations;

“Seychelles vessel” means a fishing vessel —

- (a) that holds a valid and applicable registration or identification under the Merchant Shipping Act, (*Cap 282*) or as may be required by other applicable Seychelles legislation; and
- (b) includes any local vessel, a Seychelles industrial vessel, a joint venture vessel and a Seychelles registered vessel, but does not include a foreign vessel;

“Seychelles registered vessel” means a fishing vessel —

- (a) that holds a valid and applicable registration under the Merchant Shipping Act, (*Cap 282*);
- (b) is licensed for tuna and tuna-like species, in accordance with condition of the licence; and
- (c) is wholly legally and beneficially owned by one or more foreign citizens only or by a company established under the written laws of Seychelles of which all the shares are beneficially owned by foreign citizens;

“Seychelles industrial vessel” means a fishing vessel —

- (a) that is 24 meters or more in length overall;
- (b) that holds a valid and applicable registration under the Merchant Shipping Act, (*Cap 282*); and
- (c) is wholly legally and beneficially owned by one or more Seychelles citizens only or by a company established under the written laws of Seychelles of which all the shares are beneficially owned by Seychelles citizens;



“Seychelles waters” includes any waters and continental shelf area over which Seychelles exercises jurisdiction or sovereign rights as provided in the Maritime Zones Act, (*Cap 282*);

“spear gun” means any device designed or adapted for underwater use to discharge a projectile, such as a spear or harpoon, using mechanical, pneumatic, or elastic power, and includes any associated equipment intended to assist in targeting or propulsion of the projectile;

“sport fishing” means a fishing activity undertaken for sport or recreation which involves the hiring, chartering or leasing of a vessel, but which does not result in the trading, offering for sale or selling of fish taken during the fishing activity;

“sport fishing vessel” means a vessel used for sport fishing;

“stowage” means the complete securing, fastening, or storage of fishing gear on board a vessel in a manner that makes it physically inoperable and not immediately available for fishing including —

- (a) the detachment of nets from towing or hauling devices;
- (b) the dismantling of trawl nets;
- (c) the securing of hooks and lines;
- (d) the switching off and deactivation of fishing detection devices;
- (e) the proper storage of gear below deck or in a designated compartment, while a vessel is in an area not authorised to conduct fishing or related activities;

“subsistence fishing” means a fishing activity other than recreational or sport fishing, conducted exclusively for personal or family consumption;

“support vessel” means a vessel that provides logistical assistance or operational support to a fishing vessel, including, but not limited to, provisioning, crew change, deployment, monitoring of buoys and fish aggregating devices, without directly engaging in fishing activities;

“sustainable use” means the use of resources in a manner that does not lead to its long-term decline or that of the ecosystem, thereby maintaining its potential to meet the needs and aspirations of present and future generations;

“target species” means the subject of a directed fishing effort in a fishery, including primary and secondary target species;

“transnational crime” includes —

- (a) offences committed in more than one State and those that take place in one State but are planned or controlled in another;
- (b) crimes in one State committed by groups that operate in more than one State; and
- (c) crimes committed in one State that impact on other States;

“transshipment” means the transfer of fish or fish products to or from any vessel, and may include the transfer of fish or fish products from a vessel to a land-based facility exclusively for purposes of promptly unloading to another vessel, without being subject to importation into the State where the land-based facility is located;

“use of port” means use for landing, transshipping, packaging, or processing of fish or for other port services including amongst others refuelling and resupplying, maintenance and dry docking;

“vessel” means a boat, ship, hovercraft water board or other water going craft, and refers to vessels used or intended to be used for fishing or related activities;

“vessel monitoring system” or “VMS” means a satellite-based reporting system to monitor the position and activities of vessels that are engaged in activities under the scope of this Act; and

“vessel without nationality” means a vessel used for fishing or related activities that is not entitled to fly the flag of any State or sails under the flag of two or more States, using them according to convenience.

(2) Notwithstanding subsection (1), where interpretation relates to a term in an international conservation and management measure and the term is defined in such measure or an applicable glossary of definitions adopted by the relevant RFMO, such definition shall be taken into account in applying the interpretation provided in this Act, particularly where the former may be more stringent or provide better understanding of the context.

### **Application of Act**

3. This Act applies to —

- (a) all areas and persons over which Seychelles exercises sovereignty, jurisdiction or sovereign rights;
- (b) all fish, fishing and related activities, utilisation of fish and genetic material derived from fish and any other activity or matter falling within the scope of this Act, any applicable international conservation and management measure or a joint management area applicable to fisheries subject to an international agreement in accordance with its terms, including sedentary species that occur on the extended continental shelf declared by Seychelles;
- (c) all persons, vessels, vehicles, aircraft, fish processing facilities, export or import facilities or other craft or place engaged in or otherwise connected with any activity falling within the scope of this Act or any applicable international conservation and management measure;

- (d) all persons and all vessels in and in relation to areas beyond national jurisdiction —
  - (i) following hot pursuit initiated in waters under Seychelles jurisdiction and conducted in accordance with international law; or
  - (ii) as required pursuant to this Act or any applicable international conservation and management measure, or permitted by international law or any international agreement; and
- (e) all Seychelles vessels and all persons on them, associated with them or dealing with or having any relevant relationship to them, in and in relation to any areas beyond national jurisdiction in so far as this is not in conflict with the jurisdiction of another State.

### **Objective of Act**

4. The objective of this Act is to ensure the long-term conservation, management and development of fisheries and aquaculture in Seychelles, while safeguarding marine resources, biodiversity, environment and ecosystems, for sustainability and for the benefit of the people of Seychelles.

### **General principles**

5. The functions, duties and responsibilities exercised under this Act shall be guided by the following principles —

- (a) Sustainable Use and Stewardship —

the fisheries and aquaculture resources of Seychelles, along with their marine environment, are a natural asset and a national heritage for all Seychellois. These resources shall be managed, developed, and utilized sustainably to ensure ecological balance and socio-economic benefits, including economic growth, human resource development, and

employment creation, in alignment with national policies, and development objectives;

(b) Science-Based Management —

conservation and management measures shall be based on the best available scientific evidence, technical knowledge, and international best practices to maintain or restore fish stocks at levels capable of producing sustainable yields. These measures shall also account for relevant environmental and economic factors, including fishing patterns, stock interdependence, and traditional knowledge;

(c) International Commitments and Governance —

Seychelles shall implement conservation and management measures in accordance with its international obligations and commitments under applicable international agreements and regional fisheries management frameworks, ensuring consistency with global standards and best practices;

(d) Precautionary Approach —

a precautionary approach shall be applied to fisheries and aquaculture management and development at a standard equal to or exceeding that required under any applicable international instrument or agreement, ensuring that uncertainty does not delay necessary conservation and management actions.;

(e) Ecosystem-Based Management —

an ecosystem approach shall be applied to fisheries and aquaculture management, taking into account climate change, global environmental developments, and Seychelles' international commitments to maintain the health and productivity of marine ecosystems;

(f) Biodiversity Protection —

all activities and measures taken under this Act shall contribute to the conservation, protection, and enhancement of marine biodiversity, recognizing its fundamental role in sustaining fisheries and aquaculture resources;

(g) Data Collection and Transparency —

Complete, accurate, and timely data collection and analysis shall be required for all activities governed under this Act to ensure informed decision-making and effective fisheries and aquaculture management;

(h) Monitoring, Control, and Enforcement —

conservation and management measures shall be implemented and enforced through effective and robust monitoring, control, surveillance, and compliance mechanisms;

(i) Reduction of Waste and Environmental Impact —

all fisheries and aquaculture shall aim to eliminate or minimise —

- (i) wastes, bycatch, discards, and ghost fishing caused by lost or abandoned gear;
- (ii) catch of non-target species;
- (iii) catch of endangered, threatened, and protected species; and
- (iv) pollution and environmental degradation;

(j) Promotion of Sustainable Fishing Practices —

The development and use of selective, environmentally friendly, and cost-effective fishing gear and techniques

shall be encouraged to reduce environmental impacts and support sustainable fisheries;

(k) Prevention of Overfishing and Excess Capacity —

measures shall be taken to prevent and eliminate overfishing and excess fishing capacity, ensuring that fishing effort levels remain within sustainable limits;

(l) Inclusive Stakeholder Participation —

the interests of stakeholders, including fishers, vessel operators, aquaculture operators, civil society organisations and other industry participants, shall be considered, with mechanisms in place to promote their active participation in fisheries and aquaculture development and management;

(m) Social and Economic Welfare —

the welfare of current and future generations shall be safeguarded, recognizing the importance of gender equity, social justice, and the protection of vulnerable groups within the fisheries and aquaculture sectors;

(n) Transparency, Accountability, and Public Awareness —

stakeholder engagement and broad participation in fisheries conservation, management, and sustainable development shall be promoted through transparency, inclusivity, and accountability in decision-making processes. Environmental awareness and capacity-building initiatives shall be encouraged to support informed and responsible resource management; and

(o) Regional and International Cooperation —

Seychelles shall actively pursue cooperation with other States, regional fisheries management organizations

(RFMOs), and intergovernmental institutions to strengthen fisheries governance, enhance enforcement, and promote sustainable fisheries and aquaculture practices at the regional and global levels.

## **PART 2 - CONSERVATION, MANAGEMENT, DEVELOPMENT AND SUSTAINABLE USE**

### **Conservation and management measures**

**6.(1)** The Authority shall develop, implement, monitor and enforce conservation and management measures or international conservation and management measure necessary to ensure the long-term sustainable use of fisheries resources, including measures applicable to fishing, related activities, aquaculture and any other activity that falls within the scope of this Act.

(2) Conservation and management measures or international conservation and management measures shall provide for the sustainable management and development of fisheries and aquaculture and implement obligations and standards and may, inter alia —

- (a) provide for allocations, areas, gear, spatial or temporal closures, effort limitation, fishing capacity, quotas, participatory rights and reporting;
- (b) provide for or prohibit the landing, transporting, transshipping, receiving or possession of fish;
- (c) regulate any activity which may have an adverse effect on living or non-living marine resources or the marine environment;
- (d) provide for aquaculture management of operations, including in relation to facilities, species, disease and the environment;
- (e) provide for the restoration of fish stocks;



- (f) include positive incentives for the sustainable business development of the fishing industry and for full compliance with them; and
- (g) provide for any other activity that is relevant to the conservation and management of the fisheries resources.

(3) Without prejudice to the jurisdiction and sovereign rights of Seychelles over fisheries resources under its jurisdiction, conservation and management measures shall implement —

- (a) applicable international conservation and management measures adopted by any relevant RFMO in respect of —
  - (i) any vessel or person in areas under Seychelles jurisdiction; and
  - (ii) Seychelles nationals including persons and vessels in the area of competence of the relevant RFMO; and
- (b) action plans and recommendations of the Scientific Committee of any relevant RFMO, and notwithstanding paragraph (a), conservation and management measures may take into account measures recommended by any organisation or body in which Seychelles participates.

(4) Prescribed conservation and management measures shall be developed taking into account the objective and principles of this Act and consultations with stakeholders.

### **Fisheries Management Plans**

7.(1) The Authority shall prepare and keep under review a plan for management of a fishery.

(2) A plan for management of a fishery may set out —

- (a) identify the fishery and its characteristics, including the —

- (i) current status of the fishery and resource, including area, species and fishing activities;
  - (ii) possible adverse effects of fishing on the resource and environment;
- (b) the biological, ecological and socio-economic objectives of the fishery;
- (c) the management strategy for the fishery, including biological, ecological and socio- economic indicators and reference points;
- (d) the management measures by which the objectives and strategy are to be attained, including harvest control rules;
- (e) the amount of fish or fishing effort to be allocated, if the measures include quota systems, between individuals or fishing fleets;
- (f) measures to mitigate ecosystem impacts in accordance with best practice for adoption of an ecosystem approach to fisheries, including by-catch and habitat damage;
- (g) the licensing measures to be applied;
- (h) the role of stakeholders in decision making relating to the management plan; and
- (i) performance criteria against which, and time frames within which, the measures taken under the plan of management may be assessed.

(3) In the preparation or review of the plan for the management of a fishery, the Authority shall consult the fisheries industry, local fishermen and such other persons engaged in fishing and fishing related activities as appear to the Authority to be appropriate.

(4) In the management of a fishery, the Authority, if it considers necessary, may enter into a co-management arrangement with any person.

(5) The Authority may consult the fisheries management authorities of other States in the Indian Ocean, and in particular with those sharing the same or related stocks, with a view to ensuring the harmonisation of their respective plans for the management of fisheries.

(6) The fishery management plan or review of the plan shall be submitted to the Minister for approval.

(7) The Minister shall cause the plan for the management of a fishery or review of the plan approved under subsection (6) to be published in the *Gazette*.

### **Management measures**

8.(1) The Minister may make regulations prescribing measures for the proper management of a fishery.

(2) Without prejudice to the generality of subsection (1), regulations may provide for —

- (a) closed seasons;
- (b) closed areas;
- (c) species of fish to be regulated;
- (d) specifications of authorised gear;
- (e) size or other characteristics of fish;
- (f) prohibited fishing methods and gear;
- (g) limitation of catch or effort by restricting entry or by determining a total allowable catch or total allowable effort including the establishment of any quota system allocating catch or effort;

- (h) fishing capacity controls;
- (i) by-catch, discards and habitats to be avoided;
- (j) taking, possessing, purchasing, selling, importing or exporting of any gear or fish; or
- (k) engaging in fishing or fishing related activities in the closed areas or waters or possessing or using a vessel, aquaculture equipment, fish aggregating device or anything else in the closed areas or waters.

(3) Compensation is not payable if measures for the proper management of a fishery are made or amended or anything previously permitted is prohibited or regulated under the regulations.

(4) Subsection (3) does not prevent regulations made under this section providing for payment of compensation.

### **Research for effective management, development and conservation**

**9.(1)** No person shall conduct research in Seychelles waters or in the case of a Seychelles vessel in areas beyond national jurisdiction without an authorisation granted by the Authority.

(2) The Authority, may —

- (a) enter into agreements with persons or institutions to carry out fisheries-related research in any part of Seychelles waters; or
- (b) in writing grant an authorisation to any person or vessel to fish in Seychelles waters or engage in fishing related activities for the purpose of scientific research.

(3) An authorisation under subsection (1)(b) may include terms and conditions specified by the Authority.

(4) Notwithstanding subsection (1), any person or institution that undertakes research under this section shall be duly registered and approved

by the Ministry responsible for research and shall not be exempt from the licenses, authorisations, permissions or registrations required under this Act.

(5) Any person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding SCR12,500,000, or to imprisonment not exceeding 6 months, or to both, and in addition, all information, data and outcomes from the illegal research shall be forfeited to the Authority.

**Declaration of and prohibitions or restrictions on protected, threatened or endangered species of fish**

10.(1) The Minister may, upon the advice of the Authority and the Minister responsible for environment, prescribe any species of fish as protected, threatened or endangered where —

- (a) the species is declared as protected, threatened or endangered under an international agreement or by a relevant RFMO; or
- (b) the minister responsible for environment or the Authority recommends such a declaration based on the best available scientific evidence.

(2) The following prohibitions apply with respect to marine mammals and other species declared as protected, threatened, or endangered under this section —

- (a) no person shall engage in fishing, catching, chasing, harassing, or intentionally harming any marine mammal, marine turtle or whale shark within Seychelles waters or on board any Seychelles vessel operating in areas beyond national jurisdiction;
- (b) no person shall possess, transport, keep in custody or control, trade, sell, or otherwise deal in any marine mammal, marine turtle or whale shark or any part thereof, whether dead or alive, within Seychelles or on board any Seychelles vessel in areas beyond national jurisdiction;

- (c) no person shall take, land, sell, deal in, transport, receive, buy, possess, import, or export any species of fish or fish product declared as protected, threatened, or endangered under this section, except as authorised by the Authority in writing for purposes of scientific research or conservation.

(3) Any person who contravenes subsection (2) commits an offence and is liable on conviction —

- (a) if the offence involves the use of a foreign vessel, Seychelles registered vessel or a joint venture vessel, to a fine not less than SCR3, 000,000 and not exceeding SCR6,500,000;
- (b) if the offence involves the use of any other vessel, to a fine not exceeding SCR3,000,000.

### **Designation of zones or areas**

**11.(1)** The Minister may by regulation designate any zone or area within Seychelles waters for —

- (a) the conservation, management, protection or restoration of fisheries resources; or
- (b) any other purpose that is consistent with the objective and principles of this Act.

(2) Before designating any zone or area under subsection (1), the Minister shall consult with —

- (a) relevant Ministries responsible for maritime zones or marine spatial plans for purposes other than the conservation and management of fisheries; and
- (b) relevant stakeholders with an interest in the proposed zone or area.

(3) Consultations under subsection (2) shall allow stakeholders at least 28 days to submit written comments on the proposed designation of zones or areas.

(4) Where Ministers responsible for maritime zones or marine spatial planning for purposes other than fisheries conservation and management intend to declare or alter the use of any zone or area that may affect fisheries or related activities, they shall —

- (a) consult with the Authority prior to such declaration or change in use; and
- (b) ensure consistency and cooperation in the management of such zones or areas to align with the objectives of this Act.

(5) The Authority shall develop and implement conservation and management measures for any designated zone or area established pursuant to subsection (1), and monitor activities to ensure the attainment of their purposes.

(6) No person shall engage, or permit or allow any other person to engage in any activity that —

- (a) is prohibited under a regulation made pursuant to subsection (1);
- (b) results in destruction or adverse impacts on the fishery resource in the area declared pursuant to subsection (1); or
- (c) causes the objective of establishing such area to be unattainable.

(7) Any person who contravenes subsection (6) commits an offence and is liable on conviction —

- (a) if the offence involves the use of a foreign vessel, Seychelles registered vessel or a joint venture vessel, to a fine not less than SCR3,000,000 and not exceeding SCR10,000,000;

- (b) if the offence involves the use of any other vessel, to a fine not exceeding SCR3,000,000,

and in cases involving destruction or adverse impacts under subsection (6)(b), shall be liable to make full compensation for the damage caused and restoration of the affected area to its original state, as determined by the Authority.

### **Marine environmental quality**

**12.(1)** No person shall introduce or attempt to introduce, directly or indirectly, any harmful substance into Seychelles waters that may affect fish or the aquatic or marine environment.

- (2) The operator of a vessel shall —

- (a) take back to port for disposal any waste or any other non-biodegradable objects or materials on such vessel and that is non-biodegradable or may adversely affect fish or the aquatic or marine environment; and
- (b) carry out bunkering operations in compliance with subsection (1).

(3) The Authority may cause the gear or any other non-biodegradable objects or materials referred to in subsection (2) to be removed by any person authorised for that purpose where it constitutes a threat to the habitat or health of the fish, and any cost incurred in connection with such removal may be recovered from the person or persons responsible for leaving the gear or object.

(4) A person who contravenes subsection (1) or (2) (a) or (b) commits an offence and is liable on conviction —

- (a) if the offence involves the use of a foreign vessel, Seychelles registered vessel or a joint venture vessel, to a fine not exceeding SCR10,000,000;



- (b) if the offence involves the use of any other vessel, to a fine not exceeding SCR3,000,000,

and be liable for full compensation in respect of any resulting loss or damage as well as the full cost of restoring the affected habitat to its previous state.

### **Management of bycatch**

**13.(1)** The operator of a vessel in Seychelles waters, or a Seychelles vessel operating in areas beyond national jurisdiction equipped to catch tuna and tuna-like species using purse seine or longline gear shall —

- (a) implement measures to mitigate bycatch of non-target species;
- (b) ensure that non-target species are not discarded at sea, dumped on land as fish waste or are otherwise discarded or abandoned, except where the master of the vessel determines that the fish and non-target species —
  - (i) caught are unfit for human consumption; and
  - (ii) were caught during the final set of a trip and there is insufficient storage capacity to accommodate all fish;
- (c) ensure non-target species taken alive shall be released in accordance with Seychelles legislation or international obligations, unless otherwise provided in writing by the Authority or under any international conservation and management measure;
- (d) ensure dead non-target species fit for human consumption that are not classified as vulnerable species or species of concern are landed.

- (2) Notwithstanding subsection (1), purse seine vessels shall retain

on board and land, to the extent practicable, the following non-targeted species or species groups namely —

- (a) other tunas;
- (b) rainbow runner;
- (c) dolphinfish;
- (d) triggerfish;
- (e) billfish;
- (f) wahoo; and
- (g) barracuda.

(3) For the purposes of this section —

“unfit for human consumption” are fish that —

- (i) are meshed or crushed in the purse seine;
- (ii) are damaged due to depredation;
- (iii) have died and spoiled in the net where a gear failure has prevented both the normal retrieval of the net and catch, and efforts to release the fish alive but does not include fish that —
  - (A) are considered undesirable in terms of size, marketability, or species composition; or
  - (B) are spoiled or contaminated as a result of an act or omission of the crew of the fishing vessel.

(4) The operator of any vessel operating in Seychelles waters, or a Seychelles vessel operating in areas beyond national jurisdiction, shall ensure that —

- (a) any species designated as prohibited under this Act, or by the Authority through regulations, is not retained, transhipped, landed, or sold; and
- (b) all prohibited species caught incidentally are handled in a manner that maximises their survival and are promptly released back into the water in accordance with Seychelles legislation, applicable international conservation and management measures, or written instructions provided by the Authority.

(5) Any operator who does not comply with any requirement in subsections (1), (2) or (4) commits an offence and is liable on conviction —

- (a) if the offence involves the use of a foreign vessel, Seychelles registered vessel or a joint venture vessel, to a fine not exceeding SCR10,000,000;
- (b) if the offence involves the use of any other vessel, to a fine not exceeding SCR3,000,000.

### **Management of genetic resources**

**14.(1)** No licence or authorisation for fishing activities involving marine bioprospecting shall be issued without the prior written approval of the Authority and any other authority responsible for the exploration and exploitation of genetic resources under the laws of Seychelles.

(2) Where any fishing activity consists exclusively of marine bioprospecting conducted by non-nationals of Seychelles, the competent national authority or authorities shall not issue a permit unless the Authority has given prior written approval.

### **Marking of vessels and set gears**

**15.(1)** The operator of a vessel in Seychelles waters, or a Seychelles vessel in areas beyond national jurisdiction shall ensure that vessels and set gear are marked according to prescribed standards and any additional requirements imposed by the Authority.

(2) An operator who fails to comply with subsection (1) commits an offence and is liable on conviction —

- (a) if the offence involves the use of a foreign vessel, Seychelles registered vessel or a joint venture vessel, to a fine not less than SCR3,000,000 and not exceeding SCR8,000,000;
- (b) if the offence involves the use of any other vessel, to a fine not exceeding SCR3,000,000.

### **Fish aggregating devices**

**16.(1)** The operator of —

- (a) a vessel, shall not —
  - (i) have on board, deploy or maintain any fish aggregating device in Seychelles waters;
  - (ii) deploy or allow to be deployed any drifting fish aggregating device equipped with an instrumented buoy in areas beyond national jurisdiction that drifts into Seychelles waters;
- (b) a Seychelles vessel shall not deploy or allow to be deployed any drifting fish aggregating device equipped with an instrumented buoy or anchored fish aggregating device in areas beyond national jurisdiction;

except under an authorisation issued by the Authority and in accordance with such conditions as it may specify or as are prescribed or otherwise specified in this Act or in an applicable international conservation and management measure.

(2) The operator of each vessel that holds a valid and applicable authorisation for the use of FADs under this Act shall comply with such conditions as may be required under section 16, or prescribed or required by an applicable international conservation and management measure.

(3) The permission of the Authority under this Act shall be in writing and may be in electronic form whether as a condition for a licence or otherwise.

(4) Unless otherwise provided under this Act or specified by the Authority, permission to deploy a fish aggregating device shall not confer any exclusive right to fish in the vicinity of the device.

(5) A person who contravenes subsection (1) commits an offence and is liable on conviction —

- (a) if the offence involves the use of a foreign vessel, Seychelles registered vessel or a joint venture vessel, to a fine not less than SCR3,000,000 and not exceeding SCR12,500,000;
- (b) if the offence involves the use of any other vessel, to a fine not exceeding SCR3,000,000.

(6) Subject to subsection (5), each fish aggregating device that is used or found in Seychelles waters in contravention of this Act shall be forfeited.

(7) Notwithstanding subsection (5) and (6), any authorisation to deploy fish aggregating devices and any fishing licence may be revoked and all costs for clean-up, repatriation and disposal of fish aggregating devices shall be borne by the licensee or operator of the vessel with which the device is associated.

### **Prohibition on fishing on data buoys**

**17.(1)** An operator of a vessel shall not engage in fishing activities on a data buoy in Seychelles waters, or from a Seychelles vessel operating in areas beyond national jurisdiction, unless such activity has been authorised by the Authority.

(2) The operator of a vessel in Seychelles waters or a Seychelles vessel operating in areas beyond national jurisdiction shall provide to the Authority any information related to data buoys, including details of the

deployment or interaction with data buoys and such other information as may be required in the form, manner and frequency as may be prescribed.

(3) The operator of a vessel in Seychelles waters, or any Seychelles vessel in areas beyond national jurisdiction shall comply with all conditions as may be prescribed concerning fisheries activities that may be directly or indirectly related to data buoys.

(4) Any person who contravenes any requirement under this section commits an offence and is liable on conviction —

- (a) if the offence involves the use of a foreign vessel, Seychelles registered vessel or a joint venture vessel, to a fine not less than SCR3,000,000 and not exceeding SCR12,500,000, if the offence involves the use of a foreign vessel, Seychelles registered vessel or a joint venture vessel;
- (b) if the offence involves the use of any other vessel, to a fine not exceeding SCR3,000,000.

### **Prohibition on removal and sale of shark fins**

**18.** The operator of a vessel fishing in Seychelles waters or a Seychelles vessel fishing in areas beyond national jurisdiction shall, unless otherwise provided, comply with such prohibitions on the removal, retention, possession, transshipment, landing and sale of shark fins as may be prescribed.

### **Prohibition on use of large-scale driftnets and demersal trawl nets**

**19.(1)** No person shall make use of large-scale driftnets, dredge or demersal trawl nets in Seychelles waters, or by Seychelles vessels operating in areas beyond national jurisdiction, except under and in accordance with an authorisation granted by the Authority.

(2) An operator of a vessel found operating in Seychelles waters or a Seychelles vessel operating in areas beyond national jurisdiction shall be presumed to have used large-scale drift nets, dredges, or demersal trawl nets if the vessel is configured to use such gear, unless evidence to the contrary is provided.

(3) The operator of any vessel configured to use large-scale driftnets, dredges or demersal trawl nets shall ensure that such gear and related fishing equipment are stowed in such a manner that they are not readily available to be used for fishing, and shall comply with all conditions and restrictions imposed by the Authority under any authorisation.

(4) An operator who contravenes subsection (1) or (3) or contravenes any condition of authorisation granted under this section commits an offence and is liable on conviction —

- (a) if the offence involves the use of a foreign vessel, Seychelles registered vessel or a joint venture vessel, to a fine not less than SCR8,000,000 and not exceeding SCR15,500,000;
- (b) if the offence involves the use of any other vessel, to a fine not exceeding SCR3,000,000.

### **Prohibition on use of aircraft and unmanned aerial vehicles**

**20.(1)** The operator of any vessel, in Seychelles waters or any Seychelles vessel in areas beyond national jurisdiction, shall not use an aircraft, including unmanned aerial vehicles, as a fishing aids unless authorisation is granted by the Authority consistent with applicable international conservation and management measures.

(2) Aircraft and unmanned aerial vehicles used for scientific research, monitoring, control or surveillance activities or any other purpose authorised in writing by the Authority are not subject to the prohibition under subsection (1).

(3) Any operator who does not comply with subsection (1), commits an offence and is liable on conviction —

- (a) if the offence involves the use of a foreign vessel, Seychelles registered vessel or a joint venture vessel, to a fine not less than SCR3,000,000 and not exceeding SCR12,500,000;

- (b) if the offence involves the use of any other vessel, to a fine not exceeding SCR3,000,000.

### **Prohibition on use of artificial lights to attract fish**

**21.(1)** The operator of any of the following vessels shall not use, install, or operate surface or submerged artificial lights, including those on drifting fish aggregating devices, for the purpose of attracting or aggregating fish species within Seychelles waters or in areas beyond national jurisdiction, except under and in accordance with an authorisation granted by the Authority —

- (a) vessel in Seychelles waters equipped with purse seine gear;
- (b) support vessels including auxiliary vessels in Seychelles waters; or
- (c) Seychelles vessels in areas beyond national jurisdiction.

(2) The operator of any other vessel not covered under subsection (1), shall not use, install or operate surface or submerged artificial lights, including those associated with gear, for the purpose of attracting or aggregating any fish species within Seychelles waters, except under and in accordance with an authorisation Authority.

(3) The following uses of artificial lights are exempt from the prohibitions under this section —

- (a) glow sticks used for attracting swordfish;
- (b) navigation lights essential for the safe operation of the vessel;
- (c) lights necessary to ensure safe working conditions on board the vessel; and
- (d) the use of artificial lights by local fishing vessels.

(4) Any operator who contravenes the prohibitions in subsection (1) or (2) commits an offence and is liable on conviction —



- (a) if the offence involves the use of a foreign vessel, Seychelles registered vessel or a joint venture vessel, to a fine not exceeding SCR12,500,000; or
- (b) any other vessel, to a fine not exceeding SCR3,000,000.

### **Prohibition to tamper with or destroy property of another in Seychelles waters**

**22.(1)** No person shall, within Seychelles waters, engage in any of the following activities without the express permission of the owner or the Authority —

- (a) remove any fish from any gear;
- (b) tamper with, destroy, damage or knowingly impair the functioning of any property, vessel or equipment belonging to another person; or
- (c) tamper with, destroy, damage, remove or take any part of any gear, fish aggregating device, artificial reef, buoy, float, trap or any other device or equipment deployed in accordance with this Act.

(2) Nothing in this section shall limit the powers of an authorised officer to remove unauthorised gear or equipment in accordance with this Act or remove objects for purposes of maintaining marine environmental quality.

(3) Any person who contravenes subsection (1), commits an offence and is liable on conviction —

- (a) if the offence involves the use of a foreign vessel, Seychelles registered vessel or a joint venture vessel, to a fine not less than SCR4,500,000 and not exceeding SCR8,000,000;
- (b) if the offence involves the use of any other vessel, to a fine not exceeding SCR3,000,000; or

- (c) if the offence does not involve the use of a vessel, to a fine not exceeding SCR3,000,000.

### **Use, possession, importation, purchase and sale of prohibited gear**

**23.(1)** No person shall use, possess, import, purchase or sell any gear prohibited under this Act or as may be prescribed.

(2) No person shall use, permit the use of, or carry any gear on a vessel unless it is authorised under valid authorisation.

(3) Notwithstanding subsections (1) and (2), prohibited gear may be carried on board a vessel if —

- (a) it has been declared to the Authority prior to entering Seychelles waters; and
- (b) the gear is securely stowed and not readily available for use while in Seychelles waters.

(4) Notwithstanding subsection (2) or (3), no person shall use, possess, import, purchase, advertise or sell spear guns in the jurisdiction of Seychelles including Seychelles waters or on board Seychelles vessels operating in areas beyond national jurisdiction.

(5) Any person who contravenes subsection (1) or (4) commits an offence and is liable on conviction to a fine not exceeding SCR1,000,000.

### **Prohibition on abandoning or discarding gear, fish or fish product**

**24.(1)** No person shall, in Seychelles waters, or a Seychelles vessel in areas beyond national jurisdiction abandon or discard any gear, fish or fish product unless otherwise provided for under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding SCR8,000,000.

### **Prohibition of use of harmful fishing methods and sale of fish caught using such methods**

**25.(1)** No person shall engage in any of the following activities unless expressly authorised in writing by the Authority for purposes of scientific research or other lawful purposes under this Act —

- (a) use, permit to be used or attempt to use any explosive, poison or other noxious substance for the purpose of killing, stunning, disabling or catching fish or in any way rendering fish more easily caught;
- (b) carry on board a vessel, transport or have in the person's possession or control any explosive, poison or other noxious substance for any purpose referred to in paragraph (a);
- (c) land, sell receive or possess any fish or fish products, knowing or having reasonable cause to believe the fish was taken using methods prohibited under paragraph (a) or (b);
- (d) engage in the intentional attraction of sharks in Seychelles waters by placing into the water fish, fish parts, blood, or any other substance intended to lure sharks for the purposes of sport, recreational activities, or any other unauthorised activity; or
- (e) use or deploy any fishing gear or device, method, or technology that is determined by the Authority to be harmful to marine ecosystems, marine biodiversity, or the sustainability of fisheries resources.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding SCR8,000, 000, and in addition any fish or fish products that were taken in violation of sub-section (1) shall be forfeited to the State.

(3) Any explosive, poison, or other noxious substance found on

board any vessel shall be presumed, unless the contrary is proved, to be intended for a purpose referred to in subsection (1)(a).

### **Prohibition of interference with inspected fish and fish products**

**26.(1)** No person shall, except with the express written authorisation of the Authority —

- (a) remove, alter or interfere with any trade description, seal, stamp or other mark applied to a container or a container system unit containing any fish or fish product inspected by an authorised officer;
- (b) alter, add to, or remove from, or otherwise change the composition of any consignment of fish that has been certified by an authorised officer or tamper with the related certificate; or
- (c) unseal or leave unsealed any box that has been inspected by an authorised officer.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding SCR8,000, 000, and in addition any fish or fish product shall be forfeited to the State.

### **Prohibition of possession, trade, export in fish or fish products taken or obtained in contravention of this Act**

**27.(1)** No person shall buy, sell, possess, export, trade or otherwise deal in fish or fish product taken or obtained in contravention of this Act or any applicable conservation and management measure, except where such fish or fish products has become the property of the Government in accordance with Part 9 of this Act.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding SCR8,000, 000, and in addition any fish and fish product shall be forfeited to the State.

## **Prohibition to trade in fish and fish products taken or obtained in contravention of the laws of another State**

**28.(1)** A person shall not, within Seychelles or Seychelles waters —

- (a) on his or her own account, or as partner, agent or employee of another person, possess, land, tranship, imports, export, transport, sell, receive, acquire or purchase; or
- (b) causes or permit a person acting on his or her behalf, or use a fishing vessel, to land, tranship, import or otherwise brings into Seychelles or Seychelles waters, export, transport, sell, receive, acquire or purchase,

any fish in contravention of the laws of another State or of an international conservation and management measure.

(2) Notwithstanding this section, where fish or fish products subject to this section have become the property of Government through forfeiture, court order or other judicial process, they may be sold, processed, exported or otherwise dealt with in the same manner as other Government property and shall not be considered as a product of IUU fishing or related activities.

(3) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding SCR18,750,000, or to imprisonment not exceeding three years or to both such fine and imprisonment, and the fish and fish product shall be forfeited to the State.

(4) Notwithstanding any other law of Seychelles, mistake of fact is not a defence to a prosecution for an offence under this section.

(5) Where an international agreement with another State provides for a fine, penalty or other determination or any portion of it to be remitted to that State on conviction or other process, such remittance shall be made after all costs and expenses incurred by Seychelles have been deducted.

## **Prohibition in relation to listed Vessel (IUU)**

**29.(1)** For the purposes of this section, “listed vessel” means a vessel

that is included on a list of illegal, unreported and unregulated vessels maintained by an RFMO.

(2) No person shall —

- (a) provide, cause to be provided or arrange assistance to a listed vessel in any way except for the purpose of rendering assistance where such vessel, or any person on that vessel, is in danger or distress;
- (b) engage in fish processing operations with a listed vessel;
- (c) participate, cause participation in or arrange for participation in transshipment or joint fishing operations with a listed vessel; or
- (d) charter or be associated in any way with the chartering of a listed vessel.

(3) No person shall control, arrange, cause to be controlled or arranged or participate in the import, landing or transshipment of any species from a listed vessel over which the relevant RFMO has competence.

(4) No person shall —

- (a) sell a listed vessel or otherwise change legal or beneficial ownership or purchase another vessel with the apparent aim of continuing to maintain control of the listed vessel; or
- (b) operate a listed vessel which has been sold or where the legal or beneficial ownership has been changed under paragraph (a).

(5) A listed vessel shall not be —

- (a) approved for or granted registration under the Merchant Shipping Act, 1992 except if the vessel has changed owner and the new owner has provided sufficient information

demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel, or having taken into account and documented all relevant facts, it is determined that granting the vessel its flag will not result in IUU fishing; or

- (b) authorised to enter any port in Seychelles except in case of force majeure or where the vessel, or any person on that vessel, is in danger or distress, unless it is allowed port entry for the exclusive purpose of inspection and effective enforcement action.

(6) Notwithstanding any provision in this section, where fish or fish products that have been associated with a listed vessel have become the property of State through forfeiture, court order or other judicial process, they may be sold, processed, exported or otherwise dealt with in the same manner as other Government property, and shall not be considered as a product of illegal, unreported or unregulated fishing or related activities, and any purchaser for valuable consideration shall derive good and unencumbered title in respect of such fish or fish product.

(7) Any person who contravenes any requirement of subsection (2), (3), (4) or (5) commits an offence and is liable on conviction —

- (a) if the offence involves the use of a foreign vessel, Seychelles registered vessel or a joint venture vessel, to a fine not less than SCR8,000,000 and not exceeding SCR15,500,000;
- (b) if the offence involves the use of any other vessel, to a fine not exceeding SCR3,000,000,

and in addition the vessel including its gear and fish or fish products on board shall be forfeited to the State.

### **Vessels without nationality**

**30.(1)** For the purposes of this Act, a “vessel without nationality” means a vessel used for fishing or related activities that is not entitled to fly the flag of

any State or sails under the flag of two or more States, using them according to convenience.

(2) Where any vessel without nationality engages in fishing or related activities in Seychelles waters or in the area of competence of a relevant RFMO, and such organisation has adopted an applicable international conservation and management measure that considers such fishing or related activities to be illegal, unreported and unregulated, such vessel —

- (a) shall be prohibited from landing or transshipping fish or fish products within areas under the jurisdiction of Seychelles, or in areas beyond national jurisdiction involving a Seychelles vessel; and
- (b) shall be denied access to, and use of, any port within Seychelles.

(3) Notwithstanding subsection (2) (b), a vessel may be allowed access to use a port where it is essential to the safety or health of the crew or safety of the vessel and shall be allowed exclusively for that purpose and not for any other activity or use of port.

(4) Any operator, person on board or other person acting in association with or support of a vessel without nationality who lands, transships or uses a port in contravention of subsection (2)(a) or (b) commits an offence and is liable on conviction —

- (a) if the offence involves the use of a foreign vessel, Seychelles registered vessel or a joint venture vessel, to a fine not less than SCR8,000,000 and not exceeding SCR15,500,000;
- (b) if the offence involves the use of any other vessel, to a fine not exceeding SCR3,000,000,

and to any other penalty provided under this Act, and in addition, the licence or authorisation of the vessel shall be cancelled and any fish or fish products shall be forfeited to the State.



### **PART 3 - GENERAL REQUIREMENTS FOR FISHING AND OTHER ACTIVITIES**

#### **Stowage of gear on board vessel unauthorised to fish**

**31.(1)** The operator of —

- (a) a vessel in Seychelles waters in any place or at any time where it is not licensed or authorised for fishing or related activities; or
- (b) a Seychelles vessel in areas beyond national jurisdiction where it has not been authorised for fishing or related activities under this Act,

shall ensure that all gear on board is at all times stowed in such a manner that it is not readily available for fishing and all fishing devices are deactivated.

(2) The operator of a vessel that contravenes subsection (1)(a) or (b) commits an offence and is liable on conviction to a fine not exceeding SCR12,500,000.

#### **Requirements for citizens and Seychelles vessels in areas beyond national jurisdiction**

**32.(1)** An operator shall not use a Seychelles vessel in areas beyond national jurisdiction except with a valid authorisation issued by the Authority and a valid and applicable authorisation issued by a State if the vessel engages in any fishing or related activities within the jurisdiction of that State.

(2) An operator of a Seychelles vessels in areas beyond national jurisdiction shall comply with —

- (a) applicable international conservation and management measures; and
- (b) the laws of other States, when in areas under the jurisdiction of such States.

(3) Where an operator of a Seychelles vessel is used in contravention of subsection (1) or (2), the operator of such vessels commits an offence and is liable on conviction —

- (a) if the offence involves the use of a Seychelles registered vessel or a joint venture vessel, to a fine not less than SCR8,500,000 and not exceeding SCR15,500,000;
- (b) if the offence involves the use of any other vessel, to a fine not exceeding SCR3,000,000.

### **Prohibition to engage with transnational criminal group**

**33.(1)** No person who is a member of, or knowingly associates with a transnational criminal group shall —

- (a) engage in any activity under this Act;
- (b) hold or benefit from any licence, authorisation or other permission issued under this Act.

(2) Any licence, authorisation, or permission issued under this Act to a person who is later found to be a member of or associated with a transnational criminal group shall be immediately cancelled upon reasonable proof of such membership or association.

(3) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding SCR12,500,000, and such person shall not be issued with a licence, authorisation or other permission for any activity under this Act for a minimum period of ten years from the time that the contravention was established.

### **Transshipment in Seychelles ports, waters, and areas beyond national jurisdiction**

**34.(1)** No person shall, without a valid and applicable authorisation issued under this Act, engage in, facilitate, support or be associated with transshipment activities, whether as an operator or otherwise, within

Seychelles waters, Seychelles ports or in areas beyond national jurisdiction where a Seychelles vessel is involved.

(2) Without prejudice to subsection (1), no person shall, without a valid and applicable authorisation, engage in, facilitate, support or be associated with transshipment activities —

- (a) in Seychelles waters except at a port designated for such purposes by the Minister, and in accordance with the conditions prescribed under this Act or any applicable regulations; or
- (b) being the operator of a Seychelles vessel, in areas beyond national jurisdiction.

(3) A person who contravenes subsection (1) or (2) (a) or (b) commits an offence and is liable on conviction to a fine not exceeding SCR12, 500,000 or to imprisonment not exceeding three years, or to both.

### **Requirements for vessels to report entry to, exit from regularly while in Seychelles waters**

**35.(1)** The operator of a licensed —

- (a) Seychelles registered vessel;
- (b) joint venture vessel; or
- (c) foreign vessel;

shall, in accordance with this section, report to the Authority upon entry into, exit from, and at regular intervals while operating in Seychelles waters, using a Vessel Monitoring System (VMS) or any other approved technology specified by the Authority.

(2) The operators of a vessel listed under subsection (1) (a) to (c) shall report the following details upon entry into and exit from Seychelles waters —

- (a) the vessel's position by latitude and longitude;

- (b) the date, time, and speed of entry or exit;
- (c) the vessel's heading and course;
- (d) the total weight and species composition of fish on board;
- (e) any other information as may be required by the Authority, a relevant RFMO or international fisheries agreement to which Seychelles is a party.

(3) The operator of a foreign vessel that is not licensed under this Act shall —

- (a) at all times while in Seychelles waters, ensure that all fishing gear is stowed in accordance with section 31;
- (b) deactivate and refrain from using any fish-finding or detection device on board while transiting through Seychelles waters;
- (c) proceed expeditiously and continuously through Seychelles waters without deviation unless otherwise authorized by the Authority; and
- (d) report to the Authority the details required under subsection (2)(a) to (e) prior to entry into Seychelles waters, via email or through any other designated reporting system specified by the Authority.

(4) The operator of a licensed vessel shall —

- (a) report continuously to the Authority at intervals not exceeding 1 hour while operating in Seychelles waters using a Vessel Monitoring System (VMS) or any other approved technology specified by the Authority;
- (b) ensure that if the vessel is subject to Automatic Identification System (AIS) requirements under the

International Maritime Organization (IMO), such system remains continuously operational while in Seychelles waters; and

- (c) report to the Authority the details required under subsection (2)(a) to (e) prior to exit from Seychelles waters, via email or through any other designated reporting system specified by the Authority.

(5) Any operator who fails to comply with the provisions of this section commits an offence and is liable on conviction to a fine —

- (a) if the offence involves the use of a foreign vessel, Seychelles registered vessel or a joint venture vessel, to a fine not exceeding SCR8,000,000; or
- (b) if the offence involves the use of any other vessel, to a fine not exceeding SCR3,000,000,

and to any other penalty provided under this Act, and in addition, the licence or authorisation of the vessel shall be cancelled and any fish or fish product on the vessel shall be forfeited to the State.

### **Prohibitions of fishing, transshipment, or any related activity in prohibited zones**

**36.(1)** No Seychelles registered, joint venture or foreign fishing vessel shall engage in fishing, transshipment, or any related activity —

- (a) in Seychelles' territorial sea or archipelagic waters except as authorised under this Act or any other applicable law; or
- (b) in any marine protected area or prohibited fishing zone designated under Seychelles law or in an international agreements or such other areas specified by the Authority.

(2) Any operator who fails to comply with the provisions of this section commits an offence and is liable on conviction to a fine —

- (a) if the offence involves the use of a foreign vessel, Seychelles registered vessel or a joint venture vessel, to a fine not exceeding SCR8,000,000; or
- (b) if the offence involves the use of any other vessel, to a fine not exceeding SCR3,000,000, and to any other penalty provided under this Act, and in addition, the licence or authorisation of the vessel shall be cancelled and any fish or fish product shall be forfeited to the State.

## PART 4 – REQUIREMENTS FOR FISHERIES ACCESS

### Fisheries access

**37.(1)** The Minister may, in consultation with the Authority and in accordance with this Act and any applicable Fisheries Management Plan, international agreement, national policy or plan, and taking into account relevant international guidelines, enter into a fisheries access agreement to authorise access in Seychelles waters for fishing and related activities.

(2) A fisheries access agreement referred to in subsection (1) may be in the form of an international agreement, joint venture agreement, charter agreement or other written agreement or arrangement with any —

- (a) State;
- (b) regional economic integration organisation;
- (c) fishers or boat owners association or a similar body;
- (d) incorporated company established under the written laws of Seychelles; or
- (e) such other person or body as the Minister may, upon the recommendation of the Authority, consider appropriate.

(3) The Minister shall, prior to entering into a fisheries access agreement ensure that —

- (a) the terms of the agreement comply with this Act and each international agreement and fisheries management agreement or arrangement to which Seychelles is a party;
- (b) any vessel subject to the agreement and its operator, master and beneficial owner —
  - (i) have not engaged in or been suspected to have engaged in illegal, unreported or unregulated fishing activities in any place during the five-year period prior to conclusion of the agreement; and
  - (ii) where judicial or administrative proceedings have determined that illegal, unreported or unregulated fishing activities took place, there has been compliance with a relevant judgment or determination;
- (c) the fishing or related activities of the vessel would not result in any direct or indirect adverse impact to the sustainability of Seychelles fisheries resources or the marine ecosystem; and
- (d) there are clear benefits to Seychelles for entering into the agreement.

(4) The Minister shall not enter into a fisheries access agreement to grant or issue permits, licences, authorisations or other permissions unless the agreement conforms to the requirements under this section.

(5) The Minister shall, on the recommendation of the Authority, approve in respect of each proposed fisheries access agreement —

- (a) the estimated value of the access to the other party based on economic and other relevant considerations; and
- (b) the value of the designated fee and other required benefits for Seychelles, excluding development assistance or benefits that are unrelated to the value of the access.

(6) Access shall be permitted solely for purposes of fishing or related activities in Seychelles waters or at a designated port.

(7) No permit, licence, authorisation or permission for fishing or related activities shall be granted or issued in relation to any foreign vessel unless —

- (a) fisheries access has been granted in accordance with this Act; and
- (b) such access remains valid for the full duration of the permit, licence, authorisation or permission.

(8) If the validity of the fisheries access agreement ceases before the expiration of the permit, licence, authorisation or permission, the permit, license, authorisation or permit shall be terminated immediately.

### **Fisheries access terms and conditions**

**38.** In addition to any other terms or conditions for fisheries access that may be prescribed or required, each fisheries access agreement shall require that —

- (a) the other party to the agreement and the operator of all vessels subject to the agreement must comply with this Act and all other applicable laws of Seychelles;
- (b) the operator of any vessel subject to the agreement shall hold, in respect of their vessel, a valid and applicable licence or authorisation from the State in which the vessel is registered to carry out fishing or related activities in areas beyond national jurisdiction, and in in Seychelles waters;
- (c) all vessels subject to the agreement must have good standing on an authorised vessel list of an applicable RFMO or a register maintained under any applicable fisheries management agreement, and the agreement will automatically terminate should the vessel's good standing on any such register be withdrawn;



- (d) no vessel subject to the agreement is on a list of illegal, unreported or unregulated vessels maintained by a RFMO, and the agreement and licence will automatically terminate should any vessel be included on any such list;
- (e) the other party to the agreement and all operators of vessels subject to the agreement must take all necessary measures required to ensure compliance with the agreement and this Act;
- (f) any vessel or operator that does not comply fully with the agreement, this Act or any applicable international conservation and management measure may be denied renewal or issuance of any licence, authorisation or other permission under the access agreement for a period of up to ten years;
- (g) in the case of an agreement entered into with a corporation, association or other body acting on behalf of its members or other persons, that the corporation, association or other body is liable for the undischarged liabilities of its members or other persons arising out of any operations under the agreement and the agreement itself, including fees; and
- (h) the Minister may determine the termination or suspension in accordance with section 39.

### **Fisheries access review**

**39.(1)** The Minister may conduct a mid-term review during the course of the fisheries access agreement to assess compliance with its terms, and conditions including —

- (a) compliance with the laws of Seychelles and the terms of the agreement;
- (b) the realised benefits to Seychelles up to the time of the review;

- (c) the estimated value of the continuing fisheries access provided under the agreement; and
- (d) any other matters prescribed or required by the Minister in accordance with this Act.

(2) The Minister may, upon the advice of the Authority, terminate or suspend an agreement at any time according to its terms or upon material non-compliance by the other party with this Act or any other condition of the agreement, except that the Minister shall give the other party reasonable notice of the termination or suspension to ensure the prompt termination of fishing or related activities.

(3) The Minister may suspend a fisheries access agreement if —

- (a) upon the advice of the Authority that, applying a precautionary approach, continued fishing at current levels risks the sustainability of fish stocks applying a precautionary approach; or
- (b) on any other grounds specified under this Act.

(4) Suspension of an agreement under subsection (2) or (3) may be for such a period of time or until such conditions are met, as the Minister may require, based on the recommendation of the Authority.

(5) Where an agreement is suspended or limited under subsection (3)(a), portion of the access fees as may be determined by the Minister upon the recommendation of the Authority may be refunded on a pro rata basis for the suspended fishing opportunities.

### **Joint venture and chartering of fishing vessels**

**40.(1)** No person shall enter into a joint venture or charter agreement for the operation of a fishing vessel in Seychelles waters or by a Seychelles vessel in areas beyond national jurisdiction unless —

- (a) the joint venture or the charter agreement has been approved by the Minister in accordance with this Act; and

- (b) where applicable, the vessel is listed on the record of authorised vessels of a relevant RFMO.

(2) A joint venture or charter agreement shall only be approved where the Minister is satisfied that —

- (a) the agreement provides benefits to Seychelles without causing harm to its fisheries, marine environment, or socio-economic interests, including —
  - (i) development of the Seychelles fishing industry;
  - (ii) training and employment of Seychelles citizens;
  - (iii) foreign exchange earnings;
  - (iv) investment in Seychelles;
  - (v) landing and domestic distribution activities; and
  - (vi) development of export activities;
- (b) the agreement —
  - (i) is registered in accordance with the laws of Seychelles;
  - (ii) complies with all applicable laws and policies in Seychelles;
  - (iii) includes the full identity and contact details of the vessel owner, operator, and charterer;
  - (iv) specifies the duration, scope and geographical area of operation of the agreement;
  - (v) clearly outlines the nature of fishing or related activities to be conducted; and

(vi) contains such other information as may be prescribed.

- (c) the operator has submitted a legally binding undertaking to the satisfaction of the Minister, guaranteeing the timely settlement of all taxes, fees and charges, penalties and any other financial obligations related to the operation of the vessel;
- (d) in the case of chartering of a foreign vessel, the flag State shall maintain effective jurisdiction and control over the vessel when it is operating in areas beyond the national jurisdiction of Seychelles in accordance with applicable international law; and
- (e) accurate records are maintained and submitted to the Authority concerning all fishing and related activities including landings and transshipments, undertaken by the vessel.

(3) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding SCR12,500, 000.

### **Chartering of vessels to comply with international conservation and management measures**

**41.(1)** In this section —

- (a) “chartering of vessels” means an agreement under which a vessel flying the flag of a contracting party or cooperating non-contracting party to a relevant RFMO is made available for a defined period to an operator in another member state without a change in flag for the purpose of conducting fishing or related activities;
- (b) “chartering member” means the member state holding the quota or fishing entitlement and entering into a chartering agreement; and

- (c) “flag member” means the member state whose jurisdiction the chartered vessel is registered.

(2) All chartering agreements shall comply with the provisions of this Act, applicable regulations and any relevant international conservation and management measures.

(3) The following minimum conditions shall apply to all chartering agreements —

- (a) the flag member has given written consent to the charter agreement;
- (b) the duration of the fishing operations under the charter agreement does not exceed the period that may be prescribed;
- (c) the chartered vessel is registered to a contracting or cooperating non-contracting party of the relevant RFMO, and the flag member shall —
  - (i) commit to apply and enforce conservation and management measures of the relevant RFMO; and
  - (ii) exercise effective jurisdiction and control over the vessel;
- (d) the vessel is listed on the record of authorised vessels of a relevant RFMO ;
- (e) the vessel complies with the obligations of both the flag member and the chartering member;
- (f) where fishing occurs on the high seas, the flag member shall be responsible for exercising effective jurisdiction and control over such fishing and related activities and ensuring that VMS and catch data are transmitted to the Authority, flag State and to the secretariat of the relevant RFMO;

- (g) all catches, including bycatch and discards, taken pursuant to the chartering agreement as well as the observer coverage shall be counted against the quota or fishing entitlement of the chartering member;
- (h) the chartering member shall submit all relevant catch information, including bycatch and discards, and other relevant information to the RFMO in accordance with the applicable notification scheme;
- (i) VMS and any other prescribed monitoring systems, and tools for the differentiation of fishing areas, such as fish tags or marks, shall be used for the duration of the charter agreement;
- (j) the vessel shall not be listed on any IUU vessel list of an RFMO and must hold a valid fishing licence issued by the Authority or the chartering member, as applicable;
- (k) to the extent practicable, the vessel shall not be authorised to use the flag member's quota concurrently with the chartering member's quota;
- (l) a vessel shall not be authorised to fish under more than one charter agreement at the same time;
- (m) unless otherwise specified, catches shall be unloaded exclusively in the ports of the chartering member or under its direct supervision; and
- (n) the vessel shall carry on board, at all times —
  - (i) a copy of the charter agreement;
  - (ii) a valid licence or authorisation;
  - (iii) identification details of the vessel, including the length overall, type of vessel and the type of fishing method to be used under the charter;

- (iv) identification details of the vessel, including the length overall, type of vessel and the type of fishing method to be used under the charter;
- (v) measures adopted to implement the charter agreement.

### **Fisheries Management Agreement**

**42.** The Minister may, upon the recommendation of the Authority, enter into a fisheries management agreement, other than an access agreement, that has as its purpose cooperation in or coordination of fisheries management measures with other States.

### **Agents**

**43.(1)** The operator of a Seychelles registered vessel, or a foreign vessel operating in Seychelles waters shall, at all times, appoint and maintain a licensed agent in Seychelles.

(2) An agent appointed under subsection (1) shall —

- (a) be a corporate entity licensed under the Licenses (Shipping Agents) Regulations 2000;
- (b) act as the representative of the vessel and its operator for all matters under this Act;
- (c) be authorised to accept on behalf of such vessel service of process and notices, and other official communication on behalf of the operator;
- (d) provide any information as may be required under this Act with respect to the vessel, its operator and its activities; and
- (e) act as the primary liaison between the Authority and the operator.

(3) The operator shall notify the Authority in writing of the appointment of an agent and any change in such appointment.

(4) The appointment of an agent under subsection (1) shall remain in effect until a new agent is appointed and the Authority has been formally notified.

(5) Service of any process, notice, or any document on the agent shall be deemed to be valid service on the operator of the vessel.

(6) An operator who fails to appoint or maintain an agent as required under this section commits an offence and, upon conviction, is liable to a fine not exceeding SCR3,000,000.

(7) In addition to any penalty imposed under subsection (6), the Authority may suspend or cancel any licence, authorisation, registration or other permission issued under this Act.

### **Performance bond**

**44.(1)** The Authority may require either as a precondition of issuing a licence under this Act, or at any time during the licensing period, that a performance bond be provided by the applicant in accordance with such procedures and in such form as may be prescribed or required by the Authority, in consultation with the Attorney General, taking into account —

- (a) the level of compliance by the applicant, its operator and an associated fleet of vessels with requirements of the flag State, other coastal States, relevant RFMOs and international law;
- (b) any risk of non-compliance with this Act or any other laws of Seychelles; or
- (c) other criteria that may be identified by the Authority.

(2) A performance bond prescribed under subsection (1) shall serve as a financial assurance for the fulfilment of all obligations arising out of the



licence, including potential costs relating to rescue, recovery of other costs and fines, penalties or compensation for non-compliance with this Act.

(3) The amount of financial assurance provided under this section shall be determined by the Authority having regard to any applicable fishery management plan, the value of the relevant fishery and the maximum amount of fine provided under this Act for any offence, taking into account the risks identified under subsection (1).

(4) The forms of financial assurance acceptable under this section may be any or a combination of the following —

- (a) a surety bond;
- (b) a trust fund with pay-in period;
- (c) an insurance policy;
- (d) a cash deposit;
- (e) an annuit.

(5) Where a licence holder is obliged to provide a financial assurance under this section and fails to do so, the Authority shall cause a notice of demand to be served on the licence-holder.

(6) If by the end of the period specified in the notice of demand under subsection (5) the financial assurance required from the licence-holder under this section —

- (a) has been provided, the notice shall thereupon cease to have effect; or
- (b) has not been provided, the applicable licence shall be liable to cancellation by the Authority.

### **Requirements for performance bond**

**45.(1)** A performance bond issued pursuant to section 44 shall —

- (a) be in the form approved by the Authority in consultation with the Attorney General;
- (b) include a cash deposit, letter of credit or other form of guarantee;
- (c) be valid for such period of time as the Authority may determine;
- (d) be lodged in a bank account approved by the Authority; and;
- (e) subject to subsection (3), authorise the Authority to draw directly on the bond in the event of non-compliance with any term, condition or requirement of the licence or of any provision of this Act.

(2) The Authority may, in consultation with the Attorney General, draw on a bond in accordance with subsection 46, to the extent of an approved scale of deductions for specified breaches of terms, conditions or requirements.

(3) Where the Authority draws on a bond in accordance with this Act, the holder of the licence shall, within 30 days of being so notified by the Authority, deposit a sum equivalent to the amount drawn from which the amount was drawn.

(4) A performance bond —

- (a) may be lodged in respect of each and every foreign vessel in a sum specified in an access agreement under and in accordance with which each vessel is licensed; and
- (b) may be lodged in respect of any other vessel in a sum determined under the terms of the licence or by the Authority.

(5) A performance bond required under this Act or pursuant to the

terms of a licence shall be lodged within seven days of the issuance of the licence, or within such time as specified by the Authority.

(6) Where a performance bond is not lodged in accordance with this Act, the licence shall be suspended by the Authority until such time as this Act is complied with.

(7) A performance bond under this Act shall not be considered as a payment of security into any Court and shall not be used for any such purpose.

(8) A performance bond lodged under this Act shall not be considered as part of the funds of the Authority, except in circumstances where the Authority is authorised to draw on the performance bond in accordance with this Act.

### **Requirements for drawing on performance bond**

**46.(1)** The Authority may draw on a performance bond for non-compliance in accordance with a term, condition or requirement of the licence or with this Act.

(2) Where the Authority draws on a performance bond in accordance with subsection (1), the Authority shall, subject to subsection (6), give written notice in accordance with subsection (3) to the licensee or to the legal representative or agent of the vessel.

(3) A notice under subsection (2) shall —

- (a) contain a description of the non-compliance alleged and a statement of the amount which it is proposed to draw; and
- (b) state that the bond will be drawn upon if no objection is received by the Authority within 7 days from the date of the notice.

(4) Unless the terms of the licence permit otherwise, the amount that may be drawn on the performance bond under subsection (3)(a) shall not exceed 100% of the maximum fine for the relevant offence.

(5) Where no objection is received by the Authority within 7 days from the date of a notice under this Act, the Authority may draw directly on the performance bond, and where an objection is received the Authority shall refer it to the Attorney General who shall determine, on the merits of the objection, whether the Authority may draw directly on the performance bond.

(6) Notwithstanding any other provision of this Act, where a person who has been duly served a summons to answer a charge of a contravention of, or a failure to comply with, a term or condition of a licence, fails to appear in answer to the summons, the Authority may, without notice, draw directly on any performance bond lodged in respect of the licence to an amount not exceeding 100% of the maximum fine for the relevant offence.

(7) A performance bond in the form of a cash deposit shall be returned at the end of the period of validity of the licence, subject to the provisions of this Act.

## **PART 5 - AQUACULTURE**

### **Management and development of aquaculture**

**47.(1)** The Authority shall manage and promote the sustainable development of aquaculture activities through an Aquaculture Sector Plan, which shall be reviewed at least every 5 years, or as otherwise prescribed.

(2) The Aquaculture Sector Plan shall include, but not be limited to the following —

- (a) a statement of the objectives and priorities of the plan and a strategy for achieving those objectives;
- (b) performance indicators to monitor the extent to which the objectives of the plan are being attained;
- (c) a strategy for monitoring progress at least on an annual basis, and an evaluation of the implementation of the aquaculture plan that preceded it;
- (d) a description or identification of any zone which is suitable

for aquaculture and the type of aquaculture for which the area is suitable;

- (e) a description of suitable or unsuitable methods for undertaking any type of aquaculture;
- (f) identification of suitable or unsuitable species of fish for aquaculture;
- (g) acceptable drugs and medications that may be used;
- (h) requirements for the importation and manufacture of seed, and feed that may be used for aquaculture;
- (i) requirements or standards for water quality, aquaculture waste, escapement, environmental impact assessments and the introduction, transfer, release and harvesting of fish for purposes related to aquaculture;
- (j) a conflict prevention and resolution mechanism; and
- (k) any other matter concerning aquaculture which the Authority considers appropriate.

(3) The Minister may by regulations, designate —

- (a) aquaculture development zones; and
- (b) temporary aquaculture development zones for research, development and restorative purposes,

and such designation shall be published in the *Gazette*.

(4) The Minister may, subject to subsection (3)(a), designate an area of public land or sea as an Aquaculture Development Zone.

(5) Before making any designation under subsection (4), the Minister shall —

- (a) ensure that the steps in subsection 8 have been completed;
- (b) obtain the consent of the Minister responsible for land use and planning.

(6) An area that has been designated as an Aquaculture Development Zone under subsection (4) shall be set aside for the exclusive use by the aquaculture sector; and

(7) The Minister may, after consulting the Committee, relevant ministries and agencies and any other relevant stakeholders as considered appropriate, revoke a designation in respect of part or all of or an Aquaculture Development Zone.

(8) Following the designation of an Aquaculture Development Zone under this section —

- (a) the Minister shall publish a notification of the designation in the *Gazette*; and
- (b) the Authority shall provide such publicity and information concerning the designation as is considered necessary to inform the public regarding the Aquaculture Development Zone.

(9) Before a designation can be made under subsection (4), the Authority shall —

- (a) prepare a bio-physical and socio-economic assessment of the proposed Aquaculture Development Zone;
- (b) develop a plan for the proposed Aquaculture Development Zone, in consultation with the Committee and taking account of the assessment under paragraph (a);
- (c) consult relevant ministries and agencies and any other relevant stakeholders on the plan; and

- (d) undertake an environmental and social impact assessment on the proposed designation.

(10) An environmental and social impact assessment under subsection (1)(d) shall include an environmental impact assessment under the Environmental (Impacts Assessment) Regulations (S.I. 39 of 1996), to the extent those regulations apply.

(11) The administration of an Aquaculture Development Zone, including the allocation of concessions to licensees, shall be undertaken by the Authority, in consultation with the Committee.

(12) This Minister shall establish an Aquaculture Regulatory Committee.

(13) The functions of the Committee shall be to —

- (a) advise the Minister on all matters relating to aquaculture, including in relation to national policy and planning for aquaculture and on any regulatory changes that may be required;
- (b) review applications for licences under these regulations and make recommendations to the Authority;
- (c) review audits undertaken by the Authority of licensees and make recommendations on remedial or other actions, as necessary;
- (d) assist the Authority in preparing, reviewing and updating the Aquaculture Standards; and
- (e) conduct any other activities assigned to it under this Act or by the Minister.

(14) No person shall, undertake any aquaculture activities in any part of Seychelles or in Seychelles waters except under and in accordance with a licence granted by the Authority.

(15) Subject to this section, the Authority may when granting a licence impose conditions pertaining to —

- (a) approved species;
- (b) health and welfare of fish;
- (c) site and design requirements;
- (d) disease prevention, monitoring and control measures;
- (e) pollution prevention and control measures;
- (f) import and export of fish and fish products;
- (g) infrastructure impacts on the environment; and
- (h) marketing and distribution of fish and fish products.

(16) An application for an aquaculture licence shall be made in the prescribed form and include —

- (a) any information required by the Authority; and
- (b) payment of all applicable fees.

(17) A person who fails to comply with this section including any licence condition imposed under subsection (15), commits an offence and upon conviction is liable to a fine not exceeding SCR12,500,000.

(18) A licence granted pursuant to this section shall not extend beyond the term specified in the licence.

### **Introduction, transfer, export and release of live fish**

**48.(1)** A person shall not, without a valid licence —

- (a) introduce, place or cause to be placed by act, omission or otherwise, any species of live fish in any place in Seychelles for purposes of aquaculture;



- (b) transfer any eggs, fingerlings, fragment or seed of exotic or genetically modified species or such adult species of fish from one aquaculture establishment in Seychelles to another or from any location in Seychelles to another;
- (c) export aquaculture products from Seychelles;
- (d) release or cause the release by act, omission or otherwise, of live fish from an aquaculture facility; or
- (e) import any species indigenous or exotic, into Seychelles without conducting an Ecological Risk Assessment, specifically to evaluate the risks associated with the importation of such species to an aquaculture operation in Seychelles.

(2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding SCR15,500, 000.

### **Authority may inspect, seize fish that are diseased or invasive**

**49.(1)** The Authority may inspect or cause to be inspected any fish kept, produced or intended for import or export for aquaculture purposes.

(2) If any fish are found to be diseased or invasive, the Authority may seize, quarantine, disinfect, destroy or otherwise dispose of the fish as necessary.

### **Aquaculture waste**

**50.(1)** A person engaged in aquaculture shall ensure that aquaculture waste is managed, contained or disposed of in accordance to applicable standards and best practices as may be specified by the Authority.

(2) Where any person fails to comply with the requirements set out in subsection (1), the Authority shall notify such person in writing of the requirement to take measures to restore the applicable area to such standard as the Authority may specify within a stated period of time, and may upon inspection require such person to redesign the applicable area.

(3) A person who contravenes subsection (1) or (2) commits an offence and upon conviction is liable to a fine not exceeding SCR15,500,000 and in addition shall be responsible for compensation for the costs of restoring the applicable area as required under subsection (2).

### **Escapement**

**51.(1)** A person engaged in aquaculture shall take appropriate measures to prevent the risk of escape of aquaculture stock into the wild.

(2) Where there has been an escape of any aquaculture stock, or damage to a farming structure, equipment or facility that may lead to the escape of aquaculture stock, the operator of the relevant aquaculture facility shall take immediate measures as may be specified in writing by the Authority to minimise the damage and to repair any damage caused.

(3) A person engaged in aquaculture activities shall, within 12 hours after becoming aware of the escape of aquaculture stock or damage to a farming structure in relation to a facility over which the person exercises management or control or to other equipment that may lead to the escape of hatchery reared aquaculture stock, notify the Authority of the escape or damage, including the following —

- (a) the species of fish affected;
- (b) the date or an estimate of the date on which the escape or damage took place;
- (c) the number and biomass of the fish that have escaped or an estimate thereof;
- (d) the age or developmental stage of the fish at the time of their escape; and
- (e) details of the circumstances in which the escape or damage took place.

(4) Every person to whom subsection (3) applies shall, within 7 days after becoming aware of the escape or damage referred to in that subsection, notify the Authority in writing of the action taken to deal with it.

(5) A person who contravenes subsection (1), (2), (3) or (4) commits an offence and upon conviction is liable to a fine not exceeding SCR15,500, 000 or imprisonment not exceeding five years or both.

### **Use of restricted drug, chemical etc.**

**52.(1)** No person shall use in aquaculture any drug, pharmaceutical product, or chemical unless such drug, pharmaceutical product, or chemical is prescribed for use by the Authority.

(2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding SCR31,500, 000 or imprisonment not exceeding 10 years or both.

### **Information on wild, genetically modified species**

**53.** The Authority shall collect information and data on wild and genetically modified species for the purpose of assessing the impact of aquaculture on the general environment.

### **Interfering with aquaculture facility prohibited**

**54.(1)** No person shall, without authorisation —

- (a) interfere with or harvest the product of an aquaculture facility without the written authority of the licensee;
- (b) place any object in the water, or promote or undertake any activity in such a manner as to obstruct an aquaculture operation being carried out by another person;
- (c) destroy, damage, displace or alter the position of any equipment lawfully deployed in connection with an aquaculture licence; or
- (d) cause the release of any product from an aquaculture facility.

(2) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding SCR15,500, 000 or imprisonment to a term not exceeding five years or both, and in addition shall fully compensate the relevant licensee for any damage which is the direct result of the contravention.

## **PART 6 - INFORMATION, DATA AND STATISTICS**

### **Record of fishing vessels**

**55.(1)** The Authority shall maintain a record of fishing vessels that have been granted a licence, permit or an authorisation under this Act.

(2) The record of fishing vessels maintained under subsection (1) shall contain —

- (a) the name of the fishing vessel;
- (b) the port and country of registration;
- (c) the identification number of the fishing vessel;
- (d) any identification mark assigned to the fishing vessel;
- (e) previous registration details;
- (f) communication details;
- (g) the Lloyds or International Maritime Organisation registration number;
- (h) the international radio call sign;
- (i) the length overall, draft and beam;
- (j) the engine power;
- (k) the net and gross tonnage;

- (l) the type of refrigeration system;
- (m) the material of build;
- (n) the hold capacities in cubic metres;
- (o) the date of build;
- (p) the number of crew including fishermen;
- (q) the name and address of the agent in Seychelles;
- (r) the name, address and nationality of any person or persons with beneficial ownership of the fishing vessel;
- (s) particulars of any previous offences committed by the use of the fishing vessel;
- (t) type of gear; and
- (u) any other information as the Authority may determine.

(3) Were a person in control of a fishing vessel is convicted of an offence under this Act involving the use of a fishing vessel, the Authority may, in appropriate circumstances, record the conviction in the Record of Fishing Vessels against the licence, permit or authorisation applying to the vessel even though the person is not the holder of the licence, permit or authorisation.

### **Keeping, maintaining, furnishing and inspection of records**

**56.(1)** A person carrying out activities under this Act shall keep and maintain such records and information and supply them to the Authority in such form and manner as the Authority may require.

(2) The Authority shall ensure the timely collection and analysis of statistical data and other information in relation to activities and persons under this Act and the provision of data and information to a relevant RFMO as may be required by an applicable international conservation and management measure.

(3) The Authority may, for the purposes of verifying accounts, records, documents and other information required to be kept, furnished or communicated under subsection (1) direct —

- (a) the audit or inspection of any accounts, records, documents, data and other information or place where such information may be kept;
- (b) the audit or inspection of any vessel, processing plant or other facility to which this Act applies; and
- (c) any person to provide further information regarding any accounts, records, documents, data and other information kept, furnished or communicated under this Act in accordance with such time limits as may be specified or prescribed.

(4) Any person who —

- (a) fails to keep, furnish or communicate any accounts, records, documents, data and other information as required under subsection (1); or
- (b) does not facilitate, assist or comply with the requirements for an audit or inspection undertaken under subsection (3),

commits an offence and upon conviction is liable to a fine not exceeding SCR8,000,000.

### **Information to be true, complete and correct and destruction of documents prohibited**

**57.(1)** All persons shall keep records and provide information, data and statistics as required under this Act and such records, information, data and statistics shall at all times be true, complete and accurate.

(2) No person shall alter, destroy, erase or obliterate any —

- (a) declaration, certificate, or other document, information, data or statistics made or required to be made or issued under this Act;
- (b) label subject to this Act; or
- (c) required markings on vessels or gear.

(3) No person shall submit to the Authority, the Ministry or any person, court, body or Government authority in Seychelles or other relevant State or relevant RFMO, international organisation or other body or person, any information or document that is fraudulent or, in the case of written information or document, forged.

(4) This section shall apply to any records, information, data and statistics required under this Act without regard to whether they are submitted to the Authority, Ministry, court, body, or Government authority in Seychelles, other relevant State or relevant regional fisheries management organisation, international organisation or other body or person.

(5) Any person who does not comply with subsection (1), (2) or (3) commits an offence and upon conviction is liable to a fine not exceeding SCR12,500,000.

### **Reporting requirements**

**58.(1)** The Authority may request data and other information on fisheries, related activities from any operator or persons engaged in aquaculture.

(2) Every person engaged in fishing, related activities or aquaculture shall supply information regarding such activities to the Authority in such form and manner as may be prescribed by the Minister.

(3) A person who receives information pursuant to this Act shall not use or disclose such information except for the purposes of this Act.

(4) Without prejudice to subsection (3), information relating to the

position of a fishing vessel received by the Authority pursuant to this Act shall be communicated to the relevant authority —

- (a) upon request, for the purposes of search and rescue; or
- (b) where the Authority has reasonable grounds for believing that an offence has been, is being or is about to be committed or for the purposes of a criminal investigation.

(5) The Minister may enter into arrangements or agreements with other States or territories, either directly or through an international organisation providing for the exchange, in a standardised format, and in a manner consistent with applicable confidentiality requirements, of fisheries information, including evidentiary information relating to breaches of national fisheries legislations and international fisheries conservation and management measures.

(6) Any person or operator who does not comply with a request under subsection (1) commits an offence and upon conviction is liable to a fine not exceeding SCR12,500,000.

### **Confidentiality of information**

**59.(1)** Information received and kept by the Authority shall be treated as confidential and may only be disclosed —

- (a) to a person who is authorised to gather information in order to decide whether criminal proceedings should be instituted against any person;
- (b) to a prosecutor or authorised legal representative who requires such information for the purpose of prosecuting or defending criminal proceedings;
- (c) to a person who is empowered to ensure compliance with this Act, other Seychelles laws or obligations under international law;
- (d) to a relevant RFMO, in accordance with its international conservation and management measures and any



applicable policy on confidentiality and may be subject to a reservation by the Authority;

- (e) to a body or organisation, including an international organisation, of which Seychelles is a member or with which it cooperates for the purposes of fisheries monitoring, control and surveillance and in accordance with any applicable confidentiality requirements, subject to a reservation by the Authority;
- (f) when the revealing of such information is necessary in order to conduct search and rescue operations in relation to any vessel;
- (g) in aggregated form as approved by the Authority, or
- (h) in accordance with this Act.

(2) Any person who obtains information for a purpose referred to in subsection (1) shall use that information for that purpose and may reveal such information to any other person for the same purpose.

(3) Any person who reveals or uses information contrary to subsections (1) or (2) commits an offence and upon conviction is liable to a fine not exceeding SCR8,000,000.

### **Ownership of information**

**60.** Ownership of all information required to be reported, notified or otherwise submitted to the Authority including those generated by mobile transceiver units, electronic reporting systems or other systems or devices under this Act vests in the Authority.

## **PART 7 - LICENCES, AUTHORISATIONS, OTHER PERMISSIONS AND REGISTRATION**

### **Licences, authorisations and other permissions required**

**61.(1)** No person shall engage in any of the following activities without a valid licence, authorisation or permit issued in accordance with this Act —

- (a) use a vessel for fishing or related activities in Seychelles waters;
- (b) use a Seychelles vessel for fishing or related activities in areas beyond national jurisdiction;
- (c) have on board, deploy, maintain or retrieve any fish aggregating device in Seychelles waters or, being a Seychelles vessel, in areas beyond national jurisdiction;
- (d) use of any mobile transceiver unit by a licensed vessel in Seychelles waters or a Seychelles vessel in areas beyond national jurisdiction;
- (e) use of an aircraft or unmanned aerial vehicle;
- (f) use of such equipment or gear as may be prescribed;
- (g) exploratory fishing;
- (h) marine scientific research;
- (i) aquaculture;
- (j) marine bioprospecting;
- (k) landing;
- (l) transshipment; or
- (m) fishing for such species, using such gear or undertaking; and
- (n) any other fishing or related activities as may be prescribed.

(2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding SCR15,500,000.

(3) Notwithstanding subsection (2), where a foreign vessel that is not licensed in accordance with subsection (1), is used for fishing or any related activity in Seychelles waters or for sedentary species on the continental shelf, the owner and master each commits an offence and is liable on conviction, where the foreign vessel is —

- (a) of a length overall not exceeding 24 metres, to a fine not less than SCR3,000,000;
- (b) of a length overall exceeding 24 metres but not exceeding 50 metres, to a fine not less than SCR12,500,000; or
- (c) of a length overall exceeding 50 metres, to a fine not less than SCR18,750,000 and not exceeding SCR31,250,000.

### **Local fishing vessel**

**62.(1)** All local fishing vessels operating in Seychelles waters shall be licenced for the permitted activity in respect of the class of the vessel subject to the relevant applicable criteria specified in Schedule 1.

(2) The operator of any local fishing vessel that conducts any fishing or related activities contrary to Schedule 1 commits an offence and upon conviction is liable to a fine not exceeding SCR3,000,000.

### **Terms and conditions of licences, authorisations, registrations and other permissions**

**63.(1)** A licence, authorisation, registration or other permission granted under this Act —

- (a) shall be subject to the terms and conditions as may be determined by the Authority, or any applicable conservation and management measures;
- (b) may, upon notice, be varied consistent with the objective and principles of this Act and such variation shall apply from the date of it being received by the holder of the licence, permit or authorisation unless it is otherwise agreed; and

- (c) remains in force until the date on which it expires in accordance with the period approved by the Authority for the class of licence to which it belongs, unless it is sooner suspended, cancelled or revoked in accordance with this Act.

(2) The operator of any vessel holding a licence, authorisation, registration or other permission issued under this Act shall ensure that the original or a copy of the original is on board the vessel at all times during the period of validity, except where the vessel was at sea when such document was issued and has not entered port since the issuance, in which case an electronic copy shall suffice, and the master shall, upon request, produce it to an authorised officer or other person authorised under this Act.

(3) The operator of a licence or authorisation required under this Act shall produce it upon request to an authorised officer or any other person with powers of inspection under this Act.

(4) The operator of a Seychelles vessel shall —

- (a) carry on board at all times such documents issued by the Authority and upon request produce them to an authorised officer or other person authorised under this Act or other applicable laws, or who is carrying out duties pursuant to a relevant regional fisheries management organisation;
- (b) while in areas under the national jurisdiction of any other State comply with all laws of that State; and
- (c) while in an area of competence of a relevant regional fisheries management organization, comply with all applicable conservation and management measures.

(5) The operator of a foreign vessel, Seychelles registered vessel or a joint venture vessel shall, in addition to the conditions of a licence, comply with the requirements made applicable to the vessel pursuant to any applicable agreement.

(6) The operator of a vessel that holds a licence, authorisation or other permission for fishing or related activities shall, as a condition of the licence or authorisation maintain log books and make such reports relating to fishing or related activities at such times, containing such information and in such format as may be specified by the Authority.

(7) The holder of any licence, authorisation, registration or other permission shall report to the Authority —

- (a) the sale or transfer of any vessel, company or item that is subject to or operating under the licence, authorisation, registration or other permission, upon such sale or transfer; or
- (b) any other change of information that was provided in the application form, registration form or other process or requirement to obtain the licence, authorisation, registration or other permission,

within 14 days of such sale, transfer or change.

(8) All licences, authorisations, permits or other permissions and registrations granted under this Act are not transferable, and no person shall —

- (a) transfer, or attempt to transfer such licence, authorisation or registration to another person or vessel; or
- (b) use or attempt to use a transferred licence or authorisation as authority for fishing or related activities.

(9) Any person who contravenes any requirements of this section commits an offence and upon conviction is liable to a fine not exceeding SCR12,500,000.

### **Compliance with conditions of licence, authorisation or other permission**

**64.(1)** The holder of a valid and applicable licence, authorisation or other permission issued under this Act shall —

- (a) comply with the terms and conditions of the licence, authorisation or other permission;
- (b) comply with this Act, all other laws of Seychelles, any applicable international agreement, including an agreement for fisheries access, and any applicable international conservation and management measure;
- (c) comply with all laws relating to navigational standards and the seaworthiness and safety of vessels at sea; and
- (d) not engage in any activities under the scope of this Act, except in accordance with the licence, authorisation or other permission.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction —

- (a) if the offence involves the use of a foreign vessel, Seychelles registered vessel or a joint venture vessel, to a fine not less than SCR8,000,000 and not exceeding SCR15,500,000;
- (b) if the offence involves the use of any other vessel, to a fine not exceeding SCR3,000,000,

and in addition, the person's licence may be suspended or revoked.

### **Application for licence, authorisation, registration or other permission**

**65.(1)** An application for a licence, authorisation, registration or other permission under this Act shall be in the form and contain the information as may be prescribed or otherwise required in writing by the Authority.

(2) An application made under this section shall not be considered unless —

- (a) it is accompanied by a valid and applicable certificate of registration or identification;
- (b) the applicant is the natural or legal person to whom a vessel is registered in the certificate of registration;
- (c) any application fee that may be prescribed or required by the Authority is paid in full;
- (d) where the applicant is a company registered under the Companies Ordinance Act 1972 or International Business Companies Act specify year (Cap 274), the application is accompanied by documents stating the legal and beneficial ownership of the company and that the applicant is the natural or legal person who is named in the certificate of registration of a vessel;
- (e) in the case of a foreign vessel, it is accompanied by a certified copy of a valid and applicable authorisation for fishing or related activities issued by the flag State; or
- (f) in the case of a foreign vessel or a Seychelles vessel or other category of vessel, the applicant declares that there is no participation by or association with criminal activities in the relevant activities and guarantees that there shall be no such participation or association during the period of validity of the licence.

(3) An application made under this Act shall not be considered where —

- (a) there are reasonable grounds to believe that any owner, operator or other person to be involved in fishing or related activities is associated with criminal activities;
- (b) true, correct and complete information is not provided on the application form or the information is found to be false, inaccurate misleading or incomplete; or

- (c) if it is a Seychelles vessel, a certificate of registration for the relevant vessel has been issued in Seychelles and the Authority has not pre-approved registration in accordance with this Act and established procedures.

(4) The Authority may carry out any investigations to verify information submitted under this section, and all persons associated with an application for a licence, authorisation, registration or other permission shall fully cooperate and comply with such investigation.

(5) A person who does not provide full cooperation or compliance with investigations pursuant to subsection (4) commits an offence and upon conviction is liable to a fine not exceeding SCR3,000, 000 and in addition, the person shall not be issued with a licence, authorisation, registration or other permission under this Act.

(6) Where, after issuance of the licence, authorisation, registration or other permission it is found that any information, declaration or documentation required under this section is false, forged or misleading, the licence, authorisation, registration or other permission shall be deemed revoked and any fees paid will not be refunded.

### **Application for the registration of fishing vessels**

**66.(1)** Where an application for the registration of any fishing vessel is made under the Merchant Shipping Act, 1992 for the purposes of obtaining a fishing licence under this Act, the Seychelles Maritime Safety Authority shall refer the application to the Authority for its approval.

(2) In addition to an approval under section 67, the Authority may impose additional conditions or requirements for the registration of a vessel to ensure compliance with this Act, international conservation and management measures, and any other applicable laws or agreements.

### **Approval of vessel registration**

**67.(1)** When assessing an application for registration pursuant to section 65(1), the Authority shall consider the following —



- (a) whether the vessel is or was listed on an IUU list maintained by an RFMO or any recognised international body;
- (b) whether the vessel, its operator or crew has engaged in any form of non-compliance with national fisheries laws or international conservation and management measures over the previous 10 years;
- (c) whether the vessel is fit for fishing or related activities in compliance with this Act;
- (d) whether the vessel, its operator or its crew have been involved in transnational criminal activities or organised crime within the past 10 years;
- (e) compliance with applicable requirements for vessel marking and identification;
- (f) full disclosure and verification of the ownership structure including beneficial owners, operators and charterers;
- (g) full disclosure of the vessel's history including identification of prior flag and name changes;
- (h) verification of the vessel's characteristics and specifications;
- (i) the availability of fishing opportunities; and
- (j) any other relevant factors that may indicate a risk of future non-compliance with this Act.

(2) Subject to subsection (1), a vessel or operator with a history of non-compliance shall not be approved for registration, except where —

- (a) the ownership of the vessel has subsequently changed and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no

further legal, beneficial or financial interest in, or control of, the vessel; and

- (b) having taken into account all relevant facts, the Authority determines that flagging the vessel would unlikely result in IUU fishing or fishing related activities.

(3) Where a material change in facts or circumstances listed under subsection (1) arises after the approval process or after registration, the Authority shall notify the relevant authority responsible for vessel registration to effect the immediate deregistration of the vessel and consider any other appropriate action in accordance with this Act.

(4) Any person who knowingly provides false or misleading information in an application for vessel approval commits an offence and is liable on conviction to a fine not exceeding SCR8,000,000.

### **Pre-licensing inspection**

**68.(1)** The operator of a vessel in respect of which an application has been made for a licence, authorisation or other permission under this Act in accordance with Seychelles laws shall, prior to being issued any licence, authorisation, other permission —

- (a) avail the vessel intended to be licenced, authorised, or permitted for inspection at a port approved by the Authority; and
- (b) fulfil pre-licensing criteria as may be prescribed or required by the Authority.

(2) Subject to subsection (1)(a), the operator shall provide to the Authority not less than 48 hours advance notice of the vessel's estimated time of arrival, weight by fish species catch on board and the port of call to the Authority and any other information as may be required by the Authority.

(3) Where the applicant nominates a port other than Port Victoria the applicant shall bear all costs for inspection of the vessel in the nominated port,

including full costs of salary, travel, inspection and any other costs that may be approved by the Authority.

(4) The operator of the vessel subject to the requirements in this section shall —

- (a) allow and assist an authorised officer to board and inspect the vessel and otherwise exercise his or her powers and responsibilities under this Act; and
- (b) provide to the Authority all documentation and information required for consideration and issuance of a licence, authorisation or other permission.

**Procedures for grant or refusal of licence, authorisation, registration or other permission**

**69.(1)** The Authority shall grant or refuse an application for any licence, authorisation, registration or other permission made under this Act.

(2) In granting or refusing a licence, authorisation, other permission or registration under this Act, the Authority shall take into account the extent to which any relevant State, operator, owner, charterer of the vessel or other relevant person or company, or the vessel has —

- (a) complied with this Act, other relevant laws of Seychelles, applicable licensing terms and conditions and any applicable access agreement;
- (b) complied with any applicable requirements concerning the appointment of agents and the agent has complied with this Act and other relevant laws of Seychelles;
- (c) disclosed full information on owners, operators and charterers which identifies effective beneficial owners and operators of the license;
- (d) provided all required data and information and vessel

attributes promptly and accurately, including any applicable vessel monitoring system requirements;

- (e) complied with applicable international conservation and management measures and such other regional and international standards as may be applicable;
- (f) been included in the record of authorised vessels of any relevant RFMO;
- (g) not been, or is not associated with a vessel that is on a list of any relevant RFMO designating vessels that have engaged in illegal, unreported or unregulated fishing or related activities;
- (h) is fit for the purpose for which the application has been made; and
- (i) the ability to comply with this Act.

(3) In this section, “vessel attributes” includes the type, construction, capacity, machinery and other attributes of a vessel, and specifications and other information in relation to its gear, equipment, and instrumentation.

### **Grounds for refusal or non-renewal of licence, authorisation or registration**

**70.(1)** Issuance of any licence, authorisation, registration or other permission under this Act shall be refused where the Authority determines that —

- (a) the procedures set out in section 69(2) have not been met;
- (b) access to the fishery is limited or closed subject to any relevant management plan for any fishery;
- (c) the operator of the vessel has not complied with or fulfilled pre-licensing requirements in accordance with section 68;

- (d) the operator of the vessel has been convicted of an offence involving dishonesty or fraud;
- (e) notwithstanding any other provision in this Act, the operator of the vessel or the vessel is subject to an access agreement and has not fully complied with the agreement, this Act or any applicable international conservation and management measure;
- (f) there is sufficient evidence that the operator or any person associated with the vessel has engaged in any IUU fishing or related activity or any other relevant illegal activity and has not satisfied any relevant judgement or determination, or been involved in criminal activities;
- (g) the operator of the vessel has committed an offence in Seychelles waters, or the vessel has been used for such an offence and any consequent process has not been concluded;
- (h) the operator of the vessel is associated with a vessel that is on a list maintained by a relevant RFMO of vessels that have engaged in illegal, unreported or unregulated fishing;
- (i) the vessel is registered under a flag that is considered to be a flag of non-compliance because of the failure of the flag State to exercise effective flag State responsibility based on criteria set out in paragraph 2 of the FAO Voluntary Guidelines for Flag State Performance;
- (j) the vessel is not fit for the purpose for which application has been made;
- (k) the Authority is not satisfied that the vessel has discharged all financial obligations in respect of previous fishing or related activities;
- (l) port State measures have been taken against the vessel under an applicable conservation and management

measure, and there is reasonable evidence that the vessel had engaged in illegal, unreported and unregulated fishing and the operator or vessel has not submitted to such legal or other process as may be demanded by a relevant port State, coastal State or flag State in relation to such evidence;

- (m) the applicant, owner or operator has not —
  - (i) complied with the terms of an existing or previous licence or any other requirement under this Act;
  - (ii) complied with any laws of Seychelles; and
  - (iii) submitted to due process under this Act in respect of the non-compliance or fully satisfied any applicable judgment or determination.

(2) If the information in an application for a licence, authorisation, registration is found to be false, misleading or inaccurate in any material particular, the Authority may refuse a licence, authorisation or registration.

(3) A licence, authorisation, registration or other permission shall not be granted unless all applicable fees, charges or levies required under this Act or any outstanding monies due to the Authority have been paid.

(4) A licence, authorisation, registration or other permission shall not be granted in relation to any foreign vessel previously licensed for fishing or related activities by a foreign State if that vessel undermined applicable international conservation and management measures and —

- (a) the foreign State suspended the previous licence, and the suspension has not expired; or
- (b) the foreign State, within the last three years preceding the application for a licence under this Act, withdrew the previous licence.

(5) The restriction in subsection (4) does not apply if —

- (a) the ownership of the vessel has changed since the vessel undermined applicable international conservation and management measures; and
- (b) the new owner has provided evidence to the Authority that demonstrates that the previous owner has no further legal, beneficial or financial interest in the vessel.

(6) The Authority shall notify in writing the applicant in writing of its refusal to grant or renew a licence, authorisation, registration or other permission and the reasons for the refusal.

### **Exemptions for recreational and subsistence fishing**

**71.(1)** Recreational or subsistence fishing activities undertaken by a person in Seychelles waters shall be exempt from the requirement of a licence or permit under this Act, except as may otherwise be prescribed by regulations.

(2) The exemption under subsection (1) shall not apply where —

- (a) the fish or fish products taken from the fishing or related activity are subjected to sale, trade, barter, or exchange;
- (b) the fish or fish product are is used in any commercial enterprise, including but not limited to restaurants, hotels, catering businesses, or fish processing establishments.

(3) The Minister may, by regulation, prescribe conditions for recreational or subsistence fishing, including but not limited to —

- (a) allowable species and size limits;
- (b) daily catch limits per person or vessel;
- (c) approved fishing gear and methods;
- (d) prohibited areas;
- (e) reporting and record-keeping; and
- (f) any other condition the Authority deems necessary.

(4) A person who —

- (a) sells, trades, barters, exchanges; or
- (b) uses, sells or divest to any commercial enterprise, including but not limited to restaurants, hotels, catering businesses, or fish processing establishments,

any fish caught by way of recreational or subsistence fishing activities commits an offence and upon conviction is liable to a fine not exceeding SCR3,000,000.

### **Conditions for landing and transhipment**

**72.(1)** The operator of a foreign, joint venture or Seychelles registered vessel or any other category of vessel required to do so shall submit in electronic format or in such other form as the Authority may specify, a prior request to the Authority for authorisation to land or tranship any fish or fish product on board.

(2) The operator of a vessel shall —

- (a) carry out landing and transhipment only at a port designated by the Minister; and
- (b) comply with such procedures as may be required by the Authority, including pre-inspection and the placement of any fishery inspector or observer on board prior to and during landing or transhipment, to —
  - (i) obtain and verify data, including on the quantity and species landed or transhipped; and
  - (ii) determine when landing or transhipment has been completed,

and such other procedures as may be prescribed or any applicable international conservation and management measure.



### **Statistical documentation for import and export or re-export**

**73.(1)** Statistical documentation requirements of a relevant regional fisheries management organisation, international organisation or other body for validation of the legitimacy of the catch subject to the import, export or re-export of such species it may designate shall be implemented according to such measures as may be prescribed or required by the Authority, including —

- (a) requiring submission of statistical documents by any person who imports, causes to import or intends to import any species of fish into Seychelles, including such statistical documents that may be adopted by a relevant regional fisheries management organisation or prescribed under this Act;
- (b) validation by a Government official or other authorised individual or institution of the flag State of the vessel that harvested the species, or, if the vessel is operating under a charter arrangement, by a Government official or other authorised individual of the exporting state; or
- (c) validation of an export or re-export certificate under the Export of Fishery Products Act, 1996.

(2) Any shipment of a species designated under subsection (1) shall be considered illegitimate where it is —

- (a) not accompanied by the statistical documentation in subsection 1(a) and validated as required in accordance with subsections 1(b) and ©; or
- (b) improperly documented, including where it is either missing from the shipment, incomplete, invalid or falsified.

(3) The entry into Seychelles of any illegitimate shipment of species designated as described in subsection (1) shall be —

- (a) suspended pending receipt of a properly completed document; or

- (b) subject to the fines and penalties in subsection (4), or administrative or other sanctions as may be determined under this Act.

(4) The operator of any vessel or any person who imports or causes to be imported an illegitimate shipment described under subsection (2), commits an offence and upon conviction is liable to a fine not exceeding SCR8,000,000 or imprisonment not exceeding five years or both, and to any other penalty provided under this Act.

### **Fees and charges**

**74.(1)** The Authority may require and determine fees and charges in relation to any requirement or activity under this Act, including —

- (a) licence, authorisation, registration or other permission;
- (b) fisheries management;
- (c) catch documentation;
- (d) vessel and fisher registration;
- (e) management of VMS, electronic reporting system and electronic monitoring system;
- (f) observers; and
- (g) such other fees and charges as may be prescribed.

(2) A licence, authorisation, registration or other permission granted under this Act shall be subject to payment of the following, in such amount as may be prescribed or approved by the Authority —

- (a) an application fee;
- (b) an issuing fee or periodic fee;
- (c) such other fees or charges as are set out in this Act, or as may be prescribed or approved by the Authority.

(3) All fees and charges shall be non-refundable except where *pro rata* refunds are given in accordance with section 39(5).

(4) Where a person to whom a licence, authorisation, registration or other permission has been issued under this Act satisfies the Authority that the licence has been lost, destroyed or defaced, the Authority may, upon payment of a fee as may be determined by the Authority, issue a duplicate licence including any particulars endorsed or entered upon the licence lost, destroyed or defaced and the duplicate so issued shall have the same effect as the original licence.

(5) A licence, authorisation, registration or other permission which is altered without lawful authority or defaced or mutilated shall be deemed as invalid for the purpose of this Act.

### **Duration of license, authorisation, registration or permission**

**75.(1)** A licence, authorisation or permit granted under this Part shall —

- (a) unless earlier cancelled or revoked, be valid for a period not exceeding twelve months from the date of grant of the licence, authorisation or permit for such period specified in the licence, authorisation or permit or be valid for such period as may be prescribed; or
- (b) automatically terminate where a fishing vessel in respect of which the licence, authorisation or permit has been granted ceases to be such a fishing vessel under this Act.

(2) Where a joint venture vessel, local vessel or Seychelles registered vessel ceases to be registered or identified under the Merchant Shipping Act or Seychelles Maritime Authority Act, any licence, authorisation or permit granted under this Sub-Part shall lapse.

(3) Where the validity of a fisheries access agreement entered into under section 38 ceases before the expiration of a licence, authorisation or permit granted under this Act, such licence, authorisation or permit shall terminate immediately upon the cessation of the fisheries access agreement.

**Suspension, cancellation, surrender or termination of a licence, authorisation, registration or permission**

**76.(1)** The Authority may suspend, cancel or revoke a licence, authorisation, registration or other permission granted under this Act if the vessel, gear or any activity to which it relates has been used or conducted —

- (a) in contravention of this Act or any regulations made thereunder;
- (b) in breach of any terms and conditions of the licence, authorisation, registration or permission.

**(2)** Without prejudice to subsection (1), the Authority may suspend, cancel or revoke a licence, authorisation, registration or permission if —

- (a) it is necessary or expedient for the conservation and sustainable management of fisheries resources;
- (b) the operator has contravened the terms and a conditions of an applicable fisheries access agreement;
- (c) the vessel or gear does not comply with the prescribed marking requirements;
- (d) the operator has been convicted of an offence under this Act;
- (e) the suspension, cancellation or revocation is required under a fisheries management plan;
- (f) the operator has provided false, misleading or incomplete information in an application;
- (g) the operator has failed to comply with a judicial or administrative process or has not discharged any applicable fine or penalty;
- (h) the vessel has been suspended or deregistered in another State for engaging in IUU fishing or other unlawful activity;

- (i) there has been a material change in circumstances affecting the eligibility criteria;
- (j) the measure is necessary to implement international conservation and management measures;
- (k) there is sufficient evidence that the vessel or operator has engaged in IUU fishing or is associated with criminal activity;
- (l) judicial or administrative procedures taken in relation to the licence holder pursuant to this Act so require; or
- (m) in the case of a foreign vessel, the authorisation issued by the flag State has been suspended or cancelled.

(3) When the Authority suspends, cancels or revokes a licence, authorisation, registration or permission under this section, the Authority may also suspend, cancel or revoke any other licence, authorisation, registration or permission held by the same person or operator.

### **Procedure for suspension, cancellation or revocation by the Authority**

**77.(1)** The Authority shall not suspend, cancel or revoke a licence, authorisation, registration or permission under section 76 unless the holder has been given written notice specifying —

- (a) the proposed action to be taken;
- (b) the grounds for the proposed action;
- (c) the facts and circumstances relied upon;
- (d) where suspension is proposed, the intended duration of the suspension and an invitation to show cause, within 14 days, why the proposed action should not be taken; and
- (e) in the case of a foreign vessel, the agent and flag state or association, if applicable, shall also be notified.

(2) If, after considering all written representations made within the period provided under subsection (1) (d), the Authority still considers grounds to take the proposed action exists, the Authority may —

- (a) suspend the licence, authorisation, registration or permission for a period not exceeding the duration specified in the notice; or
- (b) cancel or revoke the licence, authorisation, registration or permission.

(3) The Authority shall give written notice of the decision to the holder, stating —

- (a) the reasons for the decision; and
- (b) the right to appeal to the Appeals Board within 28 days of the notice.

(4) A decision under this section shall take effect —

- (a) on the date specified in the notice; or
- (b) if no date is specified, on the day after the notice is given.

(5) Where the action under subsection (2) is based on a conviction for an offence —

- (a) the suspension, cancellation or revocation shall not take effect —
  - (i) until the expiry of the period allowed for appeal; and
  - (ii) if an appeal is lodged, until the appeal is finally determined; and
- (b) if the conviction is set aside, the suspension, cancellation or revocation shall have no effect.

(6) No compensation shall be payable in respect of any suspension, cancellation or revocation under this section.

(7) Subsection (6) does not prevent regulations or a plan for the management of a fishery providing for payment of compensation.

### **Effect of suspension, cancellation or revocation**

**78.(1)** A suspension under this Act remains in effect for the duration specified by the Authority or until lifted by the Authority.

(2) Where a licence, authorisation, registration or permission is cancelled or revoked under section 77, the Authority may refund to the holder a proportionate amount of any fee paid for the unexpired period.

(3) Where a licence, authorisation, registration or permission in respect of a fishing vessel registered under the Merchant Shipping Act is cancelled or revoked, the Authority may notify the Seychelles Maritime Safety Authority for the removal of the vessel from the register.

## **PART 8 - MONITORING, CONTROL AND SURVEILLANCE**

### **Appointment of authorised officers**

**79.(1)** The Minister may appoint in writing officers or other employees of the Authority, or any other persons as the Minister thinks proper, to be authorised officers for the purposes of this Act, on such terms as may be determined by the Minister.

(2) Without prejudice to subsection (1), the following persons shall be deemed to be authorised officers for the purposes of this Act —

- (a) public service officers assisting authorised officers in the performance of their functions;
- (b) members of the Defence Force or the Police Force; or
- (c) any other person as the Minister may consider necessary.

(3) An authorised officer shall, while in the exercise of his or her powers under this Act, produce on request such means of identification as determined by the Authority for the purposes of enforcing this Act.

(4) An authorised officer may, in the exercise of his or her powers under this Act or any regulation made thereunder use or employ such force as may be reasonably necessary.

(5) An authorised officer appointed under this section may, when exercising any powers or performing any functions under this Act or any regulations made thereunder, be assisted by persons referred to in subsection (2).

(6) A person referred to in subsection (2)(b) may take with him or her any equipment or materials including firearms or other weapons to assist the authorised fishery officer in the exercise of his or her powers or the performance of his or her functions under this Act.

(7) The Minister may, without assigning a reason, revoke in writing the appointment of an authorised officer, whereupon his or her appointment shall be immediately terminated.

(8) A person whose appointment as an authorised officer has been revoked under subsection (7), shall return to the Minister or such other person as the Minister shall designate, his or her appointment and all other documents and items in his or her possession solely referable to his or her having been an authorised fishery officer.

(9) The Minister may, in consultation with the authorities of any other State where a person is duly appointed by that State with powers and authority similar to those of an authorised officer under this Act, declare such person as authorised officer under this Act.

(10) For the purposes of subsection (9), the Minister may assign the authorised officer a specific purpose, area or time for acting as an authorised officer and such authorised officers shall not have powers of arrest.

### **Authority and general powers of authorised officers**

**80.(1)** For the purposes of enforcing this Act and any regulations made



thereunder, an authorised officer may, stop, board, and search any vessel, vehicle or aircraft, including —

- (a) any vessel in Seychelles or Seychelles waters;
- (b) any Seychelles vessel in areas beyond national jurisdiction;
- (c) any vessel without nationality on the high seas;
- (d) a fishing vessel on the high seas flying the flag of a State party to a bilateral or an international agreement to which Seychelles is a party and which provides for the stopping, boarding, searching, seizure and detention of such fishing vessel; and
- (e) any other vessel to which this Act, any international law, international agreement or applicable international conservation and management measure applies.

(2) An authorised officer may, in the exercise of his or her powers under subsection (1) —

- (a) if the fishing vessel is underway, order it to be stopped or manoeuvred as directed for the purposes of identification or of allowing him or her to board it;
- (b) require the operator to facilitate the boarding of the vessel by all appropriate means;
- (c) board the vessel and take such other persons as may be required to assist in the exercise of his or her powers;
- (d) require the operator or any member of the crew of the vessel to produce the certificate of registry, licences, authorisations, logbooks or other records relating to the fishing vessel and examine and take extracts from or copies of these;

- (e) require the operator to produce for examination records of the crew or any member thereof or any person on board the vessel;
- (f) request and take the name and address of any person on board the vessel;
- (g) muster the crew of the vessel;
- (h) require the operator or any member of the crew of the vessel to produce for examination any fishing gear, device or equipment on board the vessel and any fishing gear, device or equipment used from the vessel and for that purpose order the owner, master or any member of the crew of the vessel to bring on board any fishing gear, device or equipment that may be in use;
- (i) require the operator to appear before him or her and give any explanation concerning the vessel and any fishing gear or equipment on it or concerning the vessel's fishing activities and the certificates, licences, permits, authorisations, logbooks, or other records relating to it and any crew or any person on board the vessel;
- (j) search the vessel including any package, hold, tank, container or other craft on board;
- (k) inspect any vessel monitoring device, vessel tracking device, communication equipment, fish locating or monitoring equipment, positioning equipment and any other equipment on board the vessel;
- (l) require the operator or a member of the crew of the vessel to demonstrate the operation of any device or equipment referred to under paragraph (k) for the purposes of verifying whether that device or equipment is or has been operated properly, has not been tampered with or otherwise modified or interfered with and is protected against improper use;

- (m) take samples of any fish or fish products found on board; or
- (n) conduct any enquiry which he or she shall consider necessary to ascertain whether any provision of this Act or any regulations made thereunder have been contravened.

(3) An authorised officer may, if he or she has reasonable grounds to believe that an offence against this Act or any regulations made thereunder has been, is being or is about to be committed, without a warrant seize and detain —

- (a) any person or vessel, including its equipment, gear, furniture, appurtenances, store and cargo;
- (b) any logbook, record, document or equipment, or any computer or other electronic device that may be used as evidence in any proceedings under this Act;
- (c) any fish which he or she believes have been taken or fish product produced in the commission of such offence;
- (d) any prohibited gear, unlicensed fishing gear, device, equipment, appliance or aquaculture system; or
- (e) any article which he or she has reason to believe has been used, or was in possession of someone, in contravention of this Act.

(4) An authorised officer may, if he or she has reasonable grounds to believe that a violation of a fishery measure under an international agreement to which Seychelles is a party has been committed on the high seas, without a warrant —

- (a) seize and detain a fishing vessel other than a foreign fishing vessel; and
- (b) where authorised by an international agreement to which Seychelles is a party, seize and detain a foreign fishing

vessel, together with its gear, store and cargo, fish, fishing gear or other article which he or she has reason to believe has been used in the commission of the offence or violation or in respect of which the offence or violation has been committed.

(5) The Authority shall, upon detention or seizure of a foreign vessel, promptly notify the flag state through appropriate channels, of the action taken and of any penalties imposed.

(6) An authorised officer may require the operator to take the fishing vessel and other articles seized under subsection (3) or (4) together with such persons on board, to the harbour or Port Victoria or other suitable place in Seychelles or Seychelles waters as he or she reasonably would require for the purposes of investigating the offence.

(7) The powers contained in this section may be exercised in respect of a vessel irrespective of whether the vessel is at the time of such exercise engaged in fishing or any fishing related activity.

### **Exercise of powers without warrant**

**81.(1)** For the purposes of enforcing the provisions of this Act and any regulations made thereunder, an authorised officer may, without a warrant —

- (a) stop any person conveying or believed to be conveying fish or fish products and inspect any such fish or fish products which the person is found to be conveying, and for that purpose open, search and examine any vehicle, equipment, baggage, package or container in which the fish or fish products are or may be or are believed to be conveyed;
- (b) enter, at all reasonable times and have access to the interior of —
  - (i) any premises (other than a dwelling) used for carrying on business in connection with the operation of fishing vessels and activities ancillary thereto;

- (ii) any premises (other than a dwelling) of a person engaged in the business of catching, keeping, offering for sale, selling, storing, processing, or disposing of fish or fish products, or in any way regarding aquaculture, or carrying goods which relate to any of the foregoing activities;
  - (iii) any pier, quay, wharf, marina, jetty, dock or dock premises, seafood factory, processing facility or warehouse;
  - (iv) any vehicle, aircraft, vessel or other means of conveyance and open, search and examine any equipment, baggage, package or container;
  - (v) any premises (other than a dwelling) of any person engaged in the business of retaining documents containing information on the activities referred to in subparagraph (i) and (ii);
- (c) verify the accuracy of information in any document or record which relates to any of the activities referred to in paragraph (b);
  - (d) examine all fish or fish products found in any place which he or she is authorised by this Act to enter and for that purpose to open any package found in that place containing or believed to contain fish or fish products; or
  - (e) check the size, weight, characteristics of fish or fish product and the operation of any equipment used for the measurement and weighing of fish or fish products.

(2) For the purposes of enforcing the provisions of this Act and any regulations made thereunder, where an authorised officer has reasonable grounds to believe that an offence under this Act or any regulations made thereunder has been, is being or is about to be committed, he or she may, without a warrant —

- (a) seize any vehicle;
- (b) seize any document, gear, article, fish or fish products, that may be used as evidence in any proceedings under this Act or regulations made thereunder;
- (c) request and take the name and address of any person having custody of any fish or fish product, gear or other article which he or she is authorised under this Act to examine or inspect, and request and take from that person the name and address of the owner of such fish, fish product or gear or other article;
- (d) require the owner of or a person connected with —
  - (i) any of the premises referred to in subsection (1)(b);
  - (ii) any ship, vessel, aircraft, lorry or other vehicle referred to in subsection (1) (iv), to give to him or her such information and produce to him or her such documents or records within the power or procurement of that person as he or she may reasonably require relating to any of the activities mentioned in subsection (1) (b) (ii) and to examine and take the documents or records or copies of, or extracts from, such documents or records.

### **Power of arrest**

**82.(1)** An authorised officer may arrest a person whom he or she has reasonable grounds to believe to have committed or to be committing an offence under this Act.

(2) Where a person associated with a foreign vessel is arrested, the Authority shall notify the flag State.

### **Power to order a vessel to port**

**83.(1)** An authorised officer may order a vessel to port for matters

concerning compliance with this Act, an applicable international conservation and management measure or an international agreement.

(2) The operator of any vessel that does not comply with the order to proceed to port or submit to any inspection procedures in port commits an offence and upon conviction is liable to a fine not exceeding SCR15,500,000.

### **Power to give direction**

**84.(1)** An authorised officer who reasonably believes that a vessel, including its gear or equipment is being or has been used in contravention of this Act, an applicable licence, authorisation or other permission, an international conservation and management measure or any agreement entered into under this Act may —

- (a) take the vessel as soon as practicable to the nearest available port in Seychelles for the purposes related to inspection or to such port or place that will facilitate inspection, having due regard for the safety of the vessel and crew and the need for sufficient port services to continuously maintain the vessel's electricity, water and other requirements and avoid the spoilage of fish or fish products;
- (b) remain in control of the vessel at such port for such period as is reasonably necessary to enable the authorised officer to exercise any other powers under this Act, until the vessel is permitted to depart from the port.

(2) Where a vessel is directed to a place in Seychelles under subsection(1) —

- (a) if required to remain in control of the vessel, the master shall be responsible for the safety of the vessel and of each person on board until the vessel arrives at the designated place; and
- (b) no claim shall be made against the authorised person in respect of any death, injury, loss or damage that occurs while the vessel is being brought to such place.

**Seizure of vessel, aircraft and items**

**85.(1)** For the purposes of this section, a vessel's equipment, gear, device, furniture, appurtenances, stores, and cargo are deemed to form part of the vessel.

- (2) An authorised officer may seize, including but not limited, —
- (a) any vessel or other conveyance, gear, implement, device, appliance, material, container, goods, equipment or thing which the authorised officer believes on reasonable grounds is being, has been or is intended to be used in the commission of an offence under this Act;
  - (b) any fish or fish product that the authorised officer believes on reasonable grounds are being or have been taken killed, transported, transhipped, bought or sold or have been found in the possession of any person in contravention of this Act;
  - (c) any item, article, record or thing that the authorised officer believes on reasonable grounds may provide evidence of an offence under this Act or contravention of an applicable international conservation and management measure;
  - (d) any passport and seaman's record book —
    - (i) of the master and crew of a vessel directed to return to and remain in port pursuant to this Act until the vessel is permitted to depart;
    - (ii) of any person arrested, until that person is brought before a court; or
    - (iii) pursuant to any order of the Court; and
  - (e) any other item which the authorised officer has reasonable grounds to believe —



- (i) has been or is being used to commit an offence under this Act;
- (ii) has been forfeited under this Act; or
- (iii) has been unlawfully removed from custody under this Act.

(3) An authorised officer shall deliver anything seized under subsection (2) into the custody of the Authority for safekeeping under such procedures as may be prescribed.

(4) A written notice of the seizure shall be given to the person from whom any article or thing was seized or to any other person whom the authorised officer believes is the owner or person otherwise entitled to possession of the article or thing seized, and the grounds for such seizure shall be stated in the notice.

(5) The Authority shall, upon seizure of a foreign vessel, ensure that the flag State is promptly notified of any action taken and penalties imposed.

### **Removal of parts from seized vessel**

**86.(1)** An authorised officer may remove or cause to be removed any part from the vessel seized under this Act for the purpose of immobilising that vessel.

(2) Any part or parts removed under subsection (1) shall be kept safely and returned to the vessel upon its release.

(3) No person, otherwise than acting in accordance with a written direction from the Authority, shall —

- (a) possess or arrange to obtain any part removed under subsection (1);
- (b) possess or arrange to obtain or make any replacement or substitute a part for that part removed under subsection (1); or

- (c) fit or attempt to fit any part or replace or substitute a part to a vessel immobilised under this Act.

(4) Any person who contravenes subsection (3) commits an offence and upon conviction is liable to a fine not exceeding SCR12,500,000, and to any other penalty provided under this Act.

### **Hot pursuit**

**87.(1)** An authorised officer who has reasonable grounds to suspect that a foreign vessel has contravened this Act, an applicable international conservation and management measure or international agreement, may undertake hot pursuit of the vessel in accordance with conditions and requirements recognised under international law, including the provisions of the United Convention on the Law of the Sea.

(2) Hot pursuit may commence where the authorised officer is satisfied that the foreign vessel or one of its associated boats is within Seychelles waters, based upon evidence obtained from —

- (a) a vessel monitoring system;
- (b) a geographical positioning system;
- (c) aerial photography;
- (d) satellite systems; or
- (e) any other internationally recognised communication system.

(3) Hot pursuit shall be initiated only after a visual or auditory signal to stop has been given to the foreign vessel, at a distance where the signal can be seen or heard by persons on board the vessel.

(4) The authorised officer may commence hot pursuit even if, at the time the foreign vessel receives the order to stop, the vessel issuing the signal is not physically within Seychelles waters, provided the pursuit is initiated in accordance with subsection (2).

(5) The pursuit shall be continuous and without interruption and the right of hot pursuit ceases as soon as the pursued vessel enters the territorial sea of its flag State or a third State.

(6) Hot pursuit shall be conducted by vessels or aircraft that are clearly marked and identifiable as being in the service of the Government and are authorised to take such actions.

(7) Any authorised officer exercising powers under this section shall as soon as practicable, inform the Authority, which shall, through the ministry responsible for foreign affairs, notify the flag State of the vessel being pursued.

(8) Where hot pursuit extends beyond Seychelles waters in areas beyond national jurisdiction, the authorised officer may —

- (a) stop, board and search the foreign vessel;
- (b) exercise any enforcement powers conferred by this Act; and
- (c) escort the vessel and all persons and items on board back into Seychelles waters.

(9) The operator of a foreign vessel which fails to comply with an order to stop issued under subsection (3) or resists or obstruct any enforcement action taken under subsection (8) commits an offence and upon conviction is liable to a fine not exceeding SCR15,500,000.

**Authority of authorised officer in relation to abandoned, discarded vessel, gear, fish or fish products**

**88.(1)** Where an authorised officer has reasonable grounds to believe that any vessel, gear, device, equipment, fish or fish product has been abandoned or discarded for the purpose of avoiding prosecution or in violation of this Act or an international conservation and management measure, the authorised officer shall apply to the court for an order for the dispossession of the vessel, gear, fish or fish product.

(2) Where —

- (a) a vessel, gear, device, equipment, fish or fish product is abandoned or discarded;
- (b) the person suspected of being responsible has absconded to any place within or outside Seychelles, or has concealed himself or herself so that he or she would not be searched, arrested or otherwise investigated; and
- (c) an authorised officer believes that any person is liable to be investigated, searched or arrested in connection with a commission of an offence under this Act,

the authorised officer may cause investigation measures to be taken in relation to the area or premises and property previously in possession, occupation or under control of the suspected person.

### **Fixed Penalty Notice**

**89.(1)** An authorised officer may issue a fixed penalty notice to any person who the authorised officer has reason to believe —

- (a) is committing or has committed a specified offence; and
- (b) is, in the case of an individual aged 18 or over.

(2) Where an authorised officer has reason to believe that a person is committing or has committed an offence under this Act which attracts a fixed penalty, he or she may give that person a notice in writing in such form as may be prescribed, offering the person an opportunity to discharge his or her likely conviction for that offence upon payment of a fixed penalty as may be prescribed.

(3) If the fixed penalty is paid in accordance with this section within the period stipulated in the notice, no person shall be liable to be convicted of the prescribed offence in respect of which the notice was issued.

(4) Where a person has been given a notice under this section, no proceedings shall be taken against that person for the prescribed offence in respect of which the notice was issued until the expiry of the period stipulated in the notice.

(5) Payment of a fixed penalty shall be made to the Registrar of the Supreme Court or to such other person as may be prescribed and a sum paid by way of fixed penalty shall be treated as if it were a fine imposed on conviction for the prescribed offence in respect of which the fixed penalty notice was issued.

(6) In any proceedings a certificate, signed by or on the authority of the Registrar of the Supreme Court or by such other person as may be prescribed under subsection (5), that payment of a fixed penalty was or was not made by the date specified in the certificate shall be sufficient evidence as to the facts stated, unless the contrary is proved.

(7) A notice under subsection (1) shall —

- (a) give such particulars of the circumstances alleged to constitute the offence as are necessary to give reasonable identification of the offence;
- (b) state the period within which, by virtue of subsection (2) no proceedings will be taken with respect to the offence;
- (c) state the amount of the fixed penalty; and
- (d) state the person to whom and the address at which the fixed penalty may be paid.

### **Appointment and responsibilities of observers**

**90.(1)** The Authority may, in writing appoint any person or category of persons as an observer for the purposes of observing, collecting, recording and reporting information and data for scientific, monitoring, management and compliance purposes under this Act.

- (2) Observers deployed under this Act shall be responsible for —
- (a) observing and recording the harvesting, handling and processing of fish and fish products and related operations;
  - (b) collecting and recording scientific, biological and other information related to activities under this Act;
  - (c) recording the species, quantity, size, age and condition of fish taken, including as bycatch and whether a species is threatened or endangered;
  - (d) observing the methods by which, the areas in which, and the depths at which, fish are taken;
  - (e) observing and recording the effects of fishing methods on fish and the environment, including where applicable cases of entanglement in nets;
  - (f) observing all aspects of the operation of any vessel, including activities relating to bribery, corruption or illegal activities;
  - (g) monitoring the processing, transportation, transshipment, storage or disposal of any fish or fish product;
  - (h) taking samples or photographs of fish harvested or anything on board a vessel which may be linked to the commission of an offence or the breach of a licencing condition;
  - (i) monitoring the implementation of conservation and management measures taken under this Act, applicable international conservation and management measures and international agreements; and
  - (j) collecting any other information required under this Act.

**Notice of intention to place observer**

**91.(1)** The Authority shall provide reasonable notice to the operator of a Seychelles vessel or a vessel holding a valid licence before placing an observer on the vessel.

(2) The notice period shall be determined by the Authority and shall include —

- (a) the intended date and time of placement;
- (b) the port or location where the observer will be placed; and
- (c) any additional requirements necessary for the placement and deployment of an observer.

(3) Upon receipt of notice from the Authority, the operator of a vessel shall facilitate the placement and deployment of an observer, including ensuring access to the vessel and providing any necessary assistance as required under this Act or as directed by the Authority.

(4) Any operator who contravenes subsection (3) commits an offence and upon conviction is liable to a fine not exceeding SCR15,500,000 and in addition the applicable licence may be suspended or cancelled.

**Duty of operators and crew to assist observers**

**92.(1)** The operator and each crew member of a vessel on which an observer is placed shall cooperate and assist the observer, in performing their duties, including —

- (a) allowing the observer to board the vessel at Port Victoria or any other designated port;
- (b) providing appropriate working space and access to all areas, facilities and communication equipment;
- (c) facilitating communication with the shore and other vessels

including by means of the vessel's communications equipment;

- (d) ensuring accommodation, meals and treatment equivalent to the standards provided to officers on board;
- (e) permitting the observer to take photographs and collect data, including samples and retain them;
- (f) gathering information related to fisheries management objectives; and
- (g) ensuring safe disembarkation at a time and place directed by the Authority.

(2) An operator or a crew member who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding SCR12,500,000, and to any other penalty provided under this Act.

### **Field inspectors**

**93.(1)** The Authority may in writing designate any person or category of persons as field inspectors for the purposes of observing, collecting, recording and reporting information and data for scientific, monitoring, and management purposes under this Act.

(2) Every person shall —

- (a) cooperate fully with field inspectors, including allowing them to perform their duties without obstruction or interference;
- (b) provide field inspectors with access to all relevant areas of the vessel or landing site, including storage, processing, and weighing areas;
- (c) furnish accurate and complete information, records, and documents as requested by field inspectors; and



- (d) ensure the safety of field inspectors while they are performing their duties.

(3) Any person who fails to cooperate or comply with the requirements under subsection (1) commits an offence and upon conviction is liable to a fine not exceeding SCR3,000,000.

### **Obstruction of or failure to comply with authorised person**

**94.(1)** For the purposes of this Part “authorised person” includes authorised officers, field inspectors and observers appointed in accordance with this Act or under an observer programme of a relevant RFMO.

- (2) Any person who —

- (a) fails without reasonable cause to comply promptly with any order, direction, request, requisition, search or inspection, given, made or requested by an authorised person under this Act;
- (b) wilfully obstructs or delays an authorised person in the performance of his or her functions under this Act;
- (c) threatens, intimidates or assaults an authorised person in the course of his or her duties under this Act;
- (d) offers to pay or pays any bribe or offers or furnishes any inducement to an authorised person;
- (e) in any manner holds himself or herself out to be, or impersonate an authorised person.

- (3) Any authorised person who —

- (a) accepts any bribe or inducement to improperly discharge or refrain from properly discharging any of his or her duties; or
- (b) who solicits any bribe or inducement,

commits an offence and is liable on conviction to a fine not exceeding SCR4,500,000, or to imprisonment for a term not exceeding 3 years or to both.

### **Monitoring systems**

**95.(1)** The Authority shall designate and approve the systems or technologies to be installed and maintained on vessels as required under this Act which shall include, but are not limited to —

- (a) vessel monitoring systems;
- (b) electronic monitoring systems;
- (c) electronic reporting systems;
- (d) automatic identification system; or
- (e) any other system or technology specified by the Authority for purposes of monitoring, control or surveillance of vessels under this Act.

(2) The operator of a vessel required to maintain a system or technologies under subsection (1) shall ensure that the system or technology is —

- (a) installed, maintained, and operated in accordance with the specifications required by the Authority;
- (b) fully functional at all times during the operation of the vessel;
- (c) transmitting data continuously to the Authority in near real-time or according to any other intervals specified by the Authority;
- (d) protected from any tampering, interference, or actions that would render it inoperative or alter its transmitted data;
- (e) equipped to provide automatic meta-data reports to the Authority; and

- (f) installed, maintained, replaced, and operated at the operator's own cost.

(3) For the purposes of subsection (1)(d) the automatic identification system shall be maintained and operated in compliance with the specifications outlined in Chapter V, Regulation 19 of the International Convention for the Safety of Life at Sea.

(4) The Authority may prescribe or specify technical requirements for mobile transceiver units or other monitoring technologies to be installed and used on vessels, including their installation, operation and maintenance.

(5) The operator of any vessel shall comply with all conditions or requirements related to the use of such system, including —

- (a) the type or standard of vessel monitoring system equipment to be used;
- (b) installation, operational and maintenance requirements;
- (c) reporting and data submission requirements;
- (d) confidentiality protocols; and
- (e) declarations and reports.

(6) An operator who contravenes any provisions of this section commits an offence and is liable on conviction to a fine not exceeding SCR8,000,000.

### **Port State Measures**

**96.** This section applies to —

- (a) foreign vessels and vessels not entitled to fly the flag of Seychelles that are requesting entry into a port or are already in a port of Seychelles, except for container vessels that —

- (i) are not carrying fish; or
  - (ii) if carrying fish, only fish that have been previously landed, provided that there are no clear grounds for suspecting that such vessels have engaged in fishing related activities in support of IUU fishing;
- (b) persons, vessels, aircraft, export facilities or other craft or places engaged in or otherwise connected with any activity falling within the scope of this Act;
- (c) all fishing and related activities —
  - (i) in areas over which Seychelles exercises jurisdiction or sovereign rights;
  - (ii) in areas beyond national jurisdiction —
    - (A) by Seychelles nationals, including vessels and persons and all persons on board such vessels or dealing with them or having any relevant relationship to them or to persons on them, to the extent that it does not conflict with the jurisdiction of another State;
    - (B) as required pursuant to this Act, international agreements, relevant RFMOs or applicable international conservation and management measures;
    - (C) otherwise in relation to illegal, unreported and unregulated fishing and fishing related activities in support of such fishing consistent with international law.

### **Designation of ports**

**97.** The Minister shall —

- (a) designate and publish the ports in Seychelles to which any fishing vessel may use; and

- (b) provide the list of designated ports to relevant international organisations and relevant RFMOs, in accordance with applicable conservation and management measures.

### **Entry requirements into or use of port**

**98.(1)** The operator of a vessel shall not enter a port or use port facilities in Seychelles unless —

- (a) the port has been designated and published in accordance with section 97;
- (b) the operator has requested port entry and provided all the required information to the Authority —
  - (i) at least 24 hours in advance for vessels holding a valid licence to fish in Seychelles waters; or
  - (ii) at least 48 hours in advance for unlicensed vessels; or
  - (iii) within such other timeframe as may be prescribed;
- (c) the Authority has granted port entry.

(2) An operator who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding SCR8,000,000.

(3) Notwithstanding subsection (2), the Authority may deny port entry to a vessel found in breach of subsection (1) and take enforcement actions, including detention or other measures, against the vessel in accordance with this Act.

### **Denial of port entry and use of port**

**99.(1)** Where the Authority has sufficient evidence that a foreign vessel has engaged in or supported IUU fishing or related activities, including being listed as an IUU vessel by an RFMO, the Authority shall deny the vessel authorisation to enter any port in Seychelles.

(2) Notwithstanding subsection (1), the Authority may permit the vessel port entry exclusively for the purpose of inspection or for taking other appropriate actions in conformity with any applicable law, provided such actions are at least as effective as denying port entry in preventing, deterring and eliminating IUU fishing and related activities.

(3) The Authority may also deny port entry to a vessel if there are reasonable grounds to believe the vessel has contravened any provisions of this Act.

(4) Where port entry or use of a port facilities is denied under subsection (1) or (3), the Authority shall notify the decision to —

- (i) the vessel and its operator;
- (ii) relevant port authorities;
- (iii) the flag State of the vessel;
- (iv) relevant coastal States; and
- (v) relevant RFMOs and international organisations.

### **Force majeure or distress**

**100.**(1) Nothing in this Act shall prevent a vessel from entering a port in Seychelles in accordance with the laws of Seychelles for reasons of force majeure or distress.

(2) A claim of force majeure or distress shall not apply where —

- (a) the claim is false, contrived, or intentionally created; or
- (b) the claim is made with the objective of avoiding liability.

(3) The burden of proving the validity of a claim of force majeure or distress and that it does not fall within the prohibitions in subsection (2) shall rest with the operator of the vessel.

(4) An authorised officer or any other officer with authority under any Seychelles law may board and inspect a vessel that claims force majeure or distress at any time to verify the validity of the claim.

(5) A vessel that claims force majeure or distress shall be subject to the direction of the Authority, which may include limitations or conditions on its activities while in port.

(6) The Authority may grant port entry to a vessel under this section, provided that —

- (a) the vessel may remain in port only for the period of time necessary to address the circumstances giving rise to the claim of force majeure or distress; and
- (b) the entry of the vessel into port is exclusively for the purpose of rendering assistance to persons or vessels in danger or distress.

(7) The operator of a foreign vessel permitted to enter port under subsection (6) shall not allow or cause the vessel to use port facilities or engage in any activity within the port, unless otherwise authorised by the Authority.

(8) Any operator who makes a false or inapplicable claim of force majeure or distress under subsection (2) or fails to comply with the requirements or conditions imposed under subsection (5), commits an offence and is liable on conviction to a fine not exceeding SCR12,500,000.

### **Denial of use of port after entry**

**101.(1)** Where a vessel that has been authorised to enter port under section 98, the Authority shall cause the use of port to be denied to such vessel if —

- (a) the vessel does not have a valid and applicable licence or authorisation to engage in fishing or fishing related activities required by its flag State or a coastal State in respect of areas under its national jurisdiction;

- (b) there is clear evidence that the fish on board was taken in contravention of applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State;
  - (c) the flag State does not confirm within a reasonable period of time, on the request of the Authority, that the fish on board was taken in accordance with applicable requirements of a relevant RFMO; or
  - (d) there are reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing related activities in support of IUU fishing unless the operator of the vessel can establish —
    - (i) that it was acting in a manner consistent with relevant conservation and management measures, including international conservation and management measures; or
    - (ii) in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not, at the time of provisioning, engaged in IUU fishing.
- (2) Notwithstanding subsection (1), the Authority shall —
- (a) not deny a vessel the use of port services —
    - (i) where such services are essential to the safety and health of the crew or the safety of the vessel, provided these needs are duly proven; or
    - (ii) for the scrapping of the vessel; and
  - (b) where the use of the port has been denied, notify the decision to the flag State of the vessel and to each relevant coastal State, any relevant RFMO and any other international organisation.



(3) Where the use of the port has been denied under this Act, the Authority shall, on the advice of Attorney General —

- (a) withdraw such denial in respect of a vessel only if there is sufficient proof that the grounds on which use was denied were inadequate or erroneous or that such grounds no longer apply; and
- (b) promptly notify the withdrawal to each person that was notified under this Act.

### **Inspections of vessels in port**

**102.**(1) The Authority may inspect any vessel in port for the purpose of ensuring compliance with this Act and any applicable conservation and management measure.

(2) During inspections of a vessel in port, authorised officers shall carry out inspection in conformity with such procedures as may be prescribed or required by the Authority, and complete a written report of the inspection in such form as may be required or prescribed and submit it to the Authority.

(3) The operator of the vessel shall, in relation to inspection of the vessel, give authorised officers all necessary assistance and information, and present relevant material and documents as may be required.

(4) The Authority shall ensure that the results of an inspection under this section are transmitted to —

- (a) the flag State of the inspected vessel;
- (b) the parties to a relevant international agreement;
- (c) the relevant coastal State and the State of which the vessel master is a national;
- (d) any relevant regional fisheries management organisation; and

- (e) other relevant international organisations.

(5) An operator who contravenes subsection (3) commits an offence and is liable on conviction to a fine not exceeding SCR8,000,000.

### **Denial of access to port facilities after inspection**

**103.**(1) Where, after an inspection, there are clear grounds to believe that a vessel has engaged in IUU fishing or related activities in support of such fishing, the Authority shall —

- (a) notify the flag State of the vessel, relevant coastal States, RFMOs, and other relevant international organisations, and the State of which the vessel's master is a national, of the inspection findings; and
- (b) deny the vessel access to port facilities.

(2) Notwithstanding subsection 1(b), the Authority shall not deny a vessel access to port services, where such services are —

- (a) essential for the safety and health of the crew; or
- (b) necessary to ensure the safety of the vessel.

### **Use of port in absence of authorisation or after denial**

**104.**(1) Where a vessel —

- (a) in port is in contravention of —
  - (i) the entry requirements specified under section 98;
  - (ii) a denial of authorisation to enter port under section 101;
- (b) has been permitted to enter port exclusively for the purpose of —

- (i) inspection under section 102; or
- (ii) rendering assistance to persons or vessels in situations of force majeure or distress under section 100; or
- (c) has not been permitted, or has been denied, the use of port under sections 30, 99, 101, or 103,

no person, including the operator or crew member of such vessel or any person that is acting directly or indirectly in relation to the vessel, shall cause or allow the vessel in contravention of paragraph (a), to engage in, facilitate or be associated with the use of such port or allow or assist, directly or indirectly, the use of the port by such vessel, unless permission is given in writing by the competent authority for port services to be used for the safety or health of the crew or the safety of the vessel in accordance with this Act.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding SCR8,000,000.

### **Requirements for Seychelles vessels**

**105.(1)** The operator of a Seychelles vessel shall —

- (a) not enter a foreign port without requesting entry into such port at least 72 hours in advance and holding valid and applicable authorisations issued by the Authority and the competent authority in the relevant port State;
- (b) cooperate with inspections carried out in the ports of other States in accordance with their laws and procedures; and
- (c) not engage in any use of a port, including landing, transshipping, packaging or processing fish or using other port services, in a port State identified by a relevant RFMO as not acting in accordance with, or in a manner consistent

with, applicable international or regional instruments or international conservation and management measures relating to port State measures.

(2) Where there are clear grounds to believe that a Seychelles vessel has engaged in IUU fishing and is requesting entry into port or is in the port of another State, the Authority shall request such State to inspect the vessel or take other measures consistent with applicable international or regional instruments.

(3) Where, following an inspection in another State, there are clear evidence to believe that a Seychelles vessel has engaged in IUU fishing, the Authority may cause the matter to be investigated and, upon sufficient evidence may cause enforcement action to be taken in accordance with this Act.

(4) Any operator of a Seychelles vessel that contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding SCR8,000,000 and to any other penalty provided under this Act.

### **Fishing in contravention of conservation and management measures**

**106.**(1) The operator of a vessel is presumed to have engaged in IUU fishing where such vessel has —

- (a) engaged in fishing or related activities and was not registered on the record of vessels of a relevant RFMO and not authorised to fish for such species in the area of competence of that relevant RFMO;
- (b) engaged in fishing or related activities when its flag State was without quota, catch limit or effort allocation under an applicable international conservation and management measure, unless flagged to a member or cooperating non-member of such organisation;
- (c) failed to record or report its catches in accordance with any applicable conservation and management measure or has made false reports;

- (d) taken or landed undersized fish;
- (e) engaged in fishing or related activities during closed fishing periods or in closed areas;
- (f) used prohibited gear;
- (g) transhipped fish to, or otherwise participated in joint operations with, or supported or re-supplied, vessels not included on the Record of Authorised Vessels or on the Record of Vessels Authorised to Receive Transshipments At-Sea;
- (h) engaged in fishing or related activities in Seychelles waters in contravention of this Act or in areas under the jurisdiction of any other coastal State in contravention of the laws of that State;
- (i) engaged in fishing or related activities while the vessel is without nationality;
- (j) engaged in fishing or related activities having intentionally falsified or concealed its markings or identity of registration; or
- (k) engaged in fishing or related activities in contravention of any other applicable international conservation and management measure.

(2) The Authority shall provide information and evidence to a relevant regional fisheries management organization where any vessel has engaged or is engaging in an activity that is presumed to involve IUU fishing.

(3) The presumption in subsection (1) shall apply to any vessel in Seychelles waters and any Seychelles vessel in areas beyond national jurisdiction.

(4) Notwithstanding subsection (3), and where it is presumed that any vessel in Seychelles waters has engaged in IUU fishing or related activities in

any place beyond Seychelles waters in the area of competence of the relevant RFMO, the operator of such vessel shall be deemed to have committed an offence under this Act.

(5) An operator of a vessel that engages in any IUU fishing or related activity commits an offence and is liable on conviction —

- (a) if the offence involves the use of a foreign vessel, Seychelles registered vessel or a joint venture vessel, to a fine not exceeding SCR15,500000; or
- (b) if the offence involves the use of any other vessel, to a fine not exceeding SCR12,500,000.

### **Actions in relation to vessels on an IUU Vessels List**

**107.(1)** The operator of any Seychelles vessel shall not, in relation to any vessel that is entered in an IUU Vessels List of a RFMO, provide assistance in any way, engage in fish processing operations, or participate in transshipment or joint fishing operations with such vessel, except for rendering assistance where such vessel, or any person on that vessel, is in danger or distress.

(2) Any Seychelles vessel that is included on an IUU Vessels List of a RFMO may be de-registered and any relevant licence, authorisation, other permission and registration shall be revoked and the operator and the vessel may not be issued with any other licence, authorisation, registration or other permission under this Act for a minimum period of five years.

(3) The following shall be prohibited in respect of vessels included in an IUU Vessels List of a RFMO, and an operator of such vessel shall not undertake any activity, make any request or seek any permission in relation to —

- (a) entry into any port in Seychelles, except in cases of force majeure or where the vessel, or any person on that vessel, is in danger or distress, unless entry is permitted for the exclusive purpose of inspection and effective enforcement action;

- (b) chartering of such vessel;
- (c) registration of such vessel in Seychelles, except if the vessel has changed owners and the new owner has provided sufficient evidence to prove that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel, or having taken into account all relevant facts, the Authority determines that granting the vessel its flag will not result in IUU fishing; and
- (d) importing, landing or transshipment of species within the competence of such organisation.

(4) No person shall engage in import, landing and transshipments, of species under the mandate of a RFMO or catch and carry such species on a vessel on the IUU Vessel List of the RFMO.

(5) The Authority shall collect and exchange with other members and cooperating non-members of a RFMO any appropriate information with the aim of detecting, controlling and preventing false import or export certificates for fish from vessels included in an IUU Vessels List.

(6) An operator who contravenes the provisions of subsection (1), (3) or (4) commits an offence and is liable on conviction —

- (a) if the offence involves the use of a foreign vessel, Seychelles registered vessel or a joint venture vessel, to a fine not exceeding SCR15,500,000; or
- (b) if the offence involves the use of any other vessel, to a fine not exceeding SCR12,500,000.

**Power to investigate or request investigation of activities in areas beyond national jurisdiction**

**108.** The Authority may —

- (a) investigate any person where there are reasonable grounds for believing that such person is associated directly or indirectly with any vessel or activity that may not be complying with this Act in areas beyond national jurisdiction; or
- (b) request another State to carry out investigations of any vessel or person where there are reasonable grounds to believe that such vessel or person has been involved in illegal, unreported or unregulated fishing in violation of this Act, any applicable international conservation and management measure or international agreement.

## **PART 9 – PROCEDURE UPON SEIZURE FORFEITURE AND DISPOSAL**

### **Custody of seized items**

**109.**(1) Any article seized or detained under this Act shall be delivered into the custody of the Authority and shall, pending judicial proceedings or compounding, be dealt with in accordance with this Part.

(2) If no proceedings in respect of any article seized or detained are instituted within 30 days of its delivery to the Authority, the article may be released by an order of the court on demand to any person who appears to be entitled thereto.

(3) Where proceedings are instituted in respect of any article seized or detained and produced in evidence, the court may retain the article pending the outcome of such proceedings and, where proceedings are instituted in any other court, may deliver it into the custody of that court which shall deal with it in accordance with this Part.

### **Procedure for detained fish and other articles**

**110.**(1) The court may, on an application, order —

- (a) any fish, fish product or other perishable article seized under this Act, to be sold;



- (b) any live fish seized under this Act, to be returned to the sea; or
- (c) any fish or fish product or other perishable article seized under this Act which is likely to become unfit for human consumption before the matter can conveniently be dealt with by the court, in a manner as may be decided upon by the Authority.

(2) The proceeds of any sale under subsection (1)(a) shall be held and dealt with in accordance with this Act as though they were the articles which have been seized.

(3) An authorised fishery officer shall create a certificate in writing describing the fish returned to the sea, or fish, fish product or other perishable article dealt with under subsection (1)(b) or (c) respectively and any marks, peculiarities or other particulars thereof.

(4) A certificate under subsection (3) shall be prima facie evidence in a court of all such matters of fact stated in it unless otherwise proven.

### **Security for release of fishing vessel**

**111.**(1) Where a fishing vessel is seized or detained under this Act and a charge is laid against the operator of the vessel in respect of the offence for which the vessel has been detained, the operator of the vessel may at any time before the determination of the charge apply to the court by which the charge is due to be determined for the release of the vessel on the provision of security in accordance with this section.

(2) On hearing an application under subsection (1), the court, on ensuring that no evidence that may be required is thereby prejudiced, shall —

- (a) on being satisfied that reasonable security has been given to the Government in respect of the aggregate of the maximum penalty to which the defendant may be liable and the costs and expenses incurred or reasonably foreseen to

be incurred by the Authority and the Government, the Authority shall order the prompt release of the fishing vessel; or

- (b) order the release of the fishing vessel on the production, by any suitable person or persons approved by the court, of a reasonable bond in favour of the Government in the prescribed form, and conditioned in accordance with subsection (3), in an amount not less than the aggregate of the maximum penalty to which the defendant may be liable and the costs and expenses incurred or reasonably foreseen to be incurred by the Authority and the Government.

(3) The conditions of the bond or security shall be that, if —

- (a) the defendant is not found guilty of the charge; or
- (b) the defendant, on being convicted of the charge, pays in full within fourteen days after the defendant is convicted, the amount of the fine imposed by the court and the amount of all costs and expenses due by the defendant to the Authority and the Government, then the bond shall be of no effect but that otherwise the bond shall remain in full force and effect

(4) The amount specified in the bond shall be recoverable in a court as a debt due to the Government jointly and severally by the person or persons by whom the bond is given unless the person or persons prove the due performance of the condition for which the bond was made.

(5) For the purposes of this section, “fishing vessel” includes all equipment on board or used by the vessel and also includes all fish or fish products or other perishable articles that have been seized from the fishing vessel under this Act.

### **Failure to comply with the conditions of a bond or other security**

**112.**Where a person to whom an item is released under this Act fails to

comply with the conditions of the bond or other security posted for release of that item —

- (a) the item may be re-seized at any time; and
- (b) the bond or security shall be automatically forfeited.

### **Forfeiture**

**113.(1)** Where a court convicts a person of an offence under this Act, it may order the forfeiture of any or all of the following —

- (a) any fish, fish product, vessel including its gear, furniture, accessories, stores, cargo, aircraft, equipment, explosive or noxious substance involved in the commission of the offence;
- (b) where a vessel was used in the commission of the offence, any fish on board the vessel at the time of the offence;
- (c) where an export storage facility was used in the commission of the offence, any fish or fish product in the facility at the time of the offence;
- (d) where any fish has been sold under this Act, the proceeds of the sale of the fish; or
- (e) any other item taken, used or otherwise involved in the commission of the offence, or otherwise as may be provided in this Act.

(2) Where any fish or fish product which is subject to a prohibition under this Act is seized and confiscated, it shall be forfeited and become the property of the State.

(3) Any person who is aggrieved by a decision made under subsection (2) may apply to a court for relief.

### **Disposal of forfeited item**

**114.(1)** Any item or security forfeited under this Act shall become the property of the State.

(2) The State may dispose of any forfeited item as it thinks fit, and upon the application of the Republic, the court shall make an order to dispose of any vessel found or determined to have contravened this Act, including the gear, equipment or other appurtenances by selling, destroying, otherwise disposing of the vessel or transferring it to the Republic.

(3) Where any forfeited item is sold or otherwise disposed of by the State, the owner, operator, agent or any other person associated with any vessel, fish, fish product or other item forfeited shall be prohibited from directly or indirectly purchasing or possessing or otherwise dealing with the item at any time during or after the sale, including through any subsequent re-sale, transfer or other transaction.

(4) Any person who contravenes subsection (3) commits an offence and is liable on conviction to a fine not exceeding SCR12,500,000. or imprisonment not exceeding five years or both, and to any other penalty provided under this Act.

(5) A person convicted under subsection (4) shall not be issued any licence, authorisation, registration or other permission under this Act for a period of at least five years from the date of conviction.

## **PART 10 - JURISDICTION, PROCEDURE, LIABILITIES**

### **Jurisdiction and standing**

**115.(1)** Any act or omission committed in areas beyond national jurisdiction of Seychelles to which this Act applies which constitutes a contravention of this Act shall be dealt with and judicial proceedings taken as if such act or omission had taken place in Seychelles.

(2) Where an authorised person appointed under this Act is exercising any powers or performing duties conferred on him or her by this Act in areas beyond Seychelles waters in connection with any act or omission of any person

in contravention of this Act, that act or omission shall be deemed to have been committed within the jurisdiction of Seychelles as provided under subsection (1).

(3) Appearance in any court of Seychelles shall be afforded to any authorised officer or other person performing duties under this Act or under a relevant international agreement, international conservation and management measures or in a relevant RFMO to provide evidence for any act or omission that —

- (a) occurs within the jurisdiction of the Supreme Court of Seychelles as provided under subsection (1);
- (b) is actionable under this Act or any other laws of Seychelles;  
or
- (c) is a violation of an access agreement, international agreement or international conservation and management measure adopted by a relevant RFMO under or in which the authorised officer or other person was performing duties,

notwithstanding the nationality or permanent residence of such authorised person.

### **Liability for non-payment of pecuniary penalties**

**116.** The following amounts may be sued for, determined, enforced and recovered by suit or other appropriate civil proceedings in a court of competent jurisdiction in the name of the Republic of Seychelles, and all such proceedings shall be deemed to be civil proceedings —

- (a) pecuniary penalties not specifically designated as fines;
- (b) forfeitures incurred under or imposed under this Act, and the liability to forfeiture of any article seized under this Act;
- (c) all rents, charges, expenses and duties; and
- (d) all other sums of money payable under this Act.

### **Liability of operators**

**117.(1)** In any proceedings under this Act, the act or omission of a crew member of a vessel or a person working in association with a vessel is deemed to be that of the operator of the vessel, unless otherwise expressly provided.

(2) The operation of subsection (1) does not absolve the crew member or other person of any liability he or she may have under this Act.

## **PART 11 - APPEALS BOARD**

### **Establishment of Appeals Board**

**118.(1)** There is hereby established an Appeals Board.

(2) The Appeals Board shall consists of the following members appointed by the President —

- (a) an Attorney-at-Law who shall be chairperson of the Board; and
- (b) 4 other members, at least 2 of whom shall have knowledge and experience in the fishing industry, and at least 1 of whom shall be a member of the Board of the Authority.

(3) The President shall cause the names of the Chairperson and other members of the Appeals Board to be published in the *Gazette* and every appointment shall take effect from the date of publication.

(4) The Chairperson and other members of the Appeals Board shall hold office for a period of 2 years and are eligible for re-appointment at the end of a term of office.

(5) The Chairperson and members of the Appeals Board shall be paid such allowance as the Minister may in consultation with the Minister responsible for Finance, determine.

(6) The Chairperson and other members shall be removed from office by the President, if he or she —

- (a) is absent from 3 consecutive sittings of the Board without the Chairperson's leave and without reasonable excuse;
- (b) commits an offence which calls into question his or her professional standing;
- (c) becomes employed by, or a contractor of, the Authority;
- (d) engages in misbehaviour, becomes incapable of performing the function of a member because of physical or mental incapacity; or
- (e) is adjudged insolvent

(7) A member of the Appeals Board may resign by signed notice of resignation given to the President.

### **Vacancy**

**119.** Where before the expiry of the term of office of the Chairperson, or any other member, a vacancy arises for any reason, the person appointed to fill the vacancy shall hold office for the unexpired period of the term for which his or her predecessor would have held office if such vacancy had not arisen.

### **Meetings of Appeals Board**

**120.(1)** The sittings of the Appeals Board shall be held at the time and place fixed by the Chairperson.

(2) The quorum of the Appeals Board shall be the Chairperson and 3 other members to hear an appeal.

(3) The Chairperson or, in the absence of the Chairperson, a member elected by the members present to preside at the meeting, shall preside at a sitting of the Appeals Board.

(4) Any questions at a sitting of the Appeals Board shall be decided by a majority of the votes of the members present and, in the event of an equality of votes, the Chairperson or the member presiding shall have a casting vote.

(5) The Appeals Board is not bound by the rules of evidence and may inform itself in a way it considers appropriate, while observing the principles of natural justice.

(6) Subject to the procedural rules prescribed by regulations, the Appeals Board may regulate its own proceedings.

### **Powers with respect to witness**

**121.**(1) The Chairperson, or a member of the Appeals Board authorised by the Chairperson may, by written notice, require any person to appear before the Board at a specified time and place to give evidence or to produce a document.

(2) The Chairperson, or a member of the Appeals Board authorized by the Chairperson, may administer an oath or affirmation to a person appearing as a witness before the Appeals Board.

(3) A person who is given a notice under subsection (1) shall —

- (a) attend the sitting of the Appeals Board as required by the notice; and
- (b) continue to attend the sitting of the Appeals Board as required by the Chairperson until excused from further attendance.

(4) A person appearing as a witness before the Appeals Board shall not refuse —

- (a) to take an oath or make an affirmation when required by the chairperson; or
- (b) without reasonable excuse, to answer a question the person is required to answer by the Chairperson; or
- (c) without reasonable excuse, to produce a document the person is required to produce by a notice under subsection (1).



(5) A person may upon giving reasonable excuse, refuse to answer a question or to produce a document if answering the question or producing the document may incriminate that person.

### **Question of law to be decided upon**

**122.** The Appeals Board shall decide a question of law in a proceeding before the Board.

### **Appeal from appeals Board**

**123.**(1) A person whose interests are adversely affected by an order, direction or other decision of the Authority, and who is dissatisfied with the decision, may appeal against the decision to the Appeals Board on the following grounds —

- (a) the decision of the Authority was contrary to the provisions this Act; or
  - (b) the decision of the Authority was manifestly unfair.
- (2) No appeal shall lie to the Appeals Board against —
- (a) any policy of the Authority;
  - (b) a decision of the Authority about an officer or employee of the Authority in the person's capacity as an officer or employee;
  - (c) a decision of the Minister about making a management plan or regulations for measures or plans for the management of fisheries; or
  - (d) a decision of the Minister on appointment or removal of a person as an authorised fishery officer.

(3) In this section, a reference to a decision includes a reference to a failure to make a decision within a reasonable period.

### **Procedure for commencement of appeal**

**124.**(1) An appeal shall commence by filing a written notice of appeal with the Appeals Board in the form approved by the Appeals Board.

(2) The notice of appeal shall be accompanied by the fees prescribed under the regulations.

(3) The Appeals Board shall give a copy of the notice of appeal to the Authority.

(4) The notice of appeal shall be filed within 28 days after the appellant receives notice of the decision appealed against.

(5) The Appeals Board may at any time for good cause shown extend the period for filing the notice of appeal.

(6) The notice of appeal shall state the grounds of the appeal.

### **Stay of operation of decision**

**125.**(1) The Appeals Board may stay a decision appealed against.

(2) A stay may —

(a) be given on conditions the Appeals Board considers appropriate;

(b) operate for the period specified by the Appeals Board; and

(c) be revoked or amended by the Appeals Board.

(3) The period of a stay specified by the Appeals Board shall not extend past the time when the Board decides the appeal.

(4) The staying of an appeal against a decision affects the decision, or the carrying out of the decision, only if the decision is stayed.

## **Powers of Appeals Board on appeal**

**126.**(1) In deciding an appeal, the Appeals Board shall —

- (a) confirm the decision appealed against;
- (b) set the decision aside and substitute another decision; or
- (c) set the decision aside and return the matter to the Authority with directions the Appeals Board considers appropriate.

(2) In substituting another decision, the Appeals Board has the same powers as the Authority.

(3) If the Appeals Board substitutes another decision, the substituted decision shall be taken, for the purposes of this Act, to be the decision of the Authority.

## **Appeal to Supreme Court**

**127.**(1) An appellant dissatisfied with a decision of the Appeals Board may appeal to the Supreme Court and the Supreme Court may make such order as the justice of the case requires.

(2) The Chief Justice may make rules of court regulating the procedure in appeals under subsection (1) and until such rules are made the procedure relating to appeals to the Supreme Court from a decision of a Magistrates' Court in civil proceedings shall apply.

## **PART 12 - EVIDENCE**

### **Certificate of evidence**

**128.**(1) An authorised officer or any other person designated in writing by the Authority may give a certificate stating that —

- (a) a specified vessel was or was not on a specified date a Seychelles registered vessel, a Seychelles vessel, a joint venture vessel, a foreign vessel, a local vessel, a sport

fishing vessel or a commercial fishing vessel or such other vessel designated under this Act;

- (b) a specified vessel or person was or was not on a specified date the holder of any specified licence, authorisation or certificate of registration;
- (c) an appended document is a true copy of the licence or certificate of registration for a specified vessel or person and that specified conditions were attached to such document;
- (d) a particular location or area of water was on a specified date within Seychelles waters, or within a closed, limited, restricted or in any other way-controlled area of Seychelles waters, or an area of Seychelles waters subject to specified conditions;
- (e) a vessel was located at a particular location or area at the date and time or during the period of time stated;
- (f) a vessel was used for fishing or related activities at a particular location or area at the date and time or during the period of time stated;
- (g) an appended chart shows the boundaries on a specified date of Seychelles waters, closed or limited areas or other maritime areas or zones delineated for any specified purpose;
- (h) a particular item or piece of equipment is gear;
- (i) the cause and manner of death of, or injury to, any fish is as stated;
- (j) an appended document is a true copy of a valid and applicable charter agreement, access agreement or Fisheries Management Agreement;

- (k) a call sign, name or number is that of, or is allotted under, any system of naming or numbering of vessels to a particular vessel;
- (l) an appended position or catch report or other record was given in respect of a specified vessel;
- (m) a specified vessel is or is not on a list of illegal, unreported and unregulated vessels or a record of authorised vessels maintained by a RFMO;
- (n) a specified vessel, mobile transceiver unit or other item fulfils or does not fulfil registration requirements under this Act, an applicable access agreement or any international conservation and management measure;
- (o) an appended document is a true certificate of calibration of a specified measuring device;
- (p) an offence was committed against the laws of another State, as declared in an appended copy of a statement signed by a competent authority of such State;
- (q) specified international conservation and management measures are in force, as declared in an appended copy of a statement signed by the CEO, or equivalent, of the international organisation or arrangement which adopted such measures;
- (r) a certification as to the condition of fish given under this Act was made in accordance with this Act and by the person who is signatory to the certificate;
- (s) the fish, fish product or other item disposed or dealt with as a perishable item under section 110 are fully described in the certificate;
- (t) a photograph is a true and accurate representation of what it is meant to represent;

- (u) a photograph was taken by a specified person;
- (v) an appended document is a true copy of admissible evidence from another jurisdiction; or
- (w) any specified return, log, record or information required to be kept or furnished under this Act was or was not kept or furnished,

and such certificate shall, unless the contrary is proved, be *prima facie* evidence of all facts averred in it in any judicial proceedings under this Act when submitted in accordance with the procedures under section 129 and any other requirements in this Act.

(2) For the purposes of subparagraph (e) and (f) an authorised officer shall, in any certificate made under subsection (1), state —

- (a) his or her name, address, official position, country of appointment and the authority under which he or she is appointed;
- (b) the name and call sign, if known, of the vessel concerned;
- (c) the date and time or period of time that the vessel was in the place or area; and
- (d) the place or area in which it is alleged the vessel was located.

### **Validity and procedures for certificates**

**129.**(1) A certificate given under this Part shall be deemed to have been duly given by an authorised officer or any other person designated in writing by the Authority.

(2) The certificate referred to under subsection (1) shall be admitted as evidence in any proceedings for an offence under this Act.

(3) The person who issued a certificate under subsection (1) shall not be required to attend court or give evidence unless a notice for attendance is filed in court and served on the Attorney General at least 21 days before the date fixed for trial, which notice shall specify the grounds on which the person's attendance is required.

(4) Any omission from or mistake made in a certificate issued under this Part does not render it invalid unless —

- (a) the court considers such omission or mistake to be material to any issue in the proceedings concerned; or
- (b) the defendant is unduly prejudiced by the omission or mistake.

### **Photographic evidence**

**130.**(1) For the purposes of this section, “photographic evidence” and “photograph” includes videos or other reproductions or transmissions of visual images.

(2) Where a photograph is taken of any activity under this Act and simultaneously the date, time and position from which the photograph is taken are superimposed upon the photograph, it shall be presumed unless the contrary is proved that the photograph was taken on the date, at the time and in the position so appearing.

(3) The presumption set out in subsection (2) shall arise only if —

- (a) the device taking the photograph is connected directly to or integrated with the instruments which provide the date, time and position concerned; and
- (b) the photograph was taken by an authorised officer or observer or under the supervision of an authorised officer or observer.

(4) Any authorised officer or observer who takes or supervises the

taking of a photograph under subsection (2) may give a certificate appending the photograph stating —

- (a) his or her name, address, official position, country of appointment and the authority under which he or she is appointed;
- (b) the name and call sign, if known, of any vessel appearing in the photograph;
- (c) the name of the camera, watch, clock or other instruments supplying the date and time and the position fixing instrument;
- (d) that he or she checked the instruments referred to in paragraph (c) at a reasonable time before and after the taking of the photograph and that they all appeared to be working correctly;
- (e) the matters set out in subsection (2)(a) and (b); and
- (f) the accuracy of the position fixing instrument used within specified limits.

### **Vessel monitoring system evidence**

**131.(1)** All information or data obtained or ascertained through the use of a mobile transceiver unit, vessel monitoring system, or on board camera or other electronic monitoring systems required under this Act, shall be presumed, unless the contrary is proven, to —

- (a) originate from the vessel so identified;
- (b) be transmitted by the mobile transceiver unit or device identified;
- (c) be accurately relayed or transferred; and
- (d) be provided or authorised by the operator of the vessel.



(2) Evidence of such information and data may be presented through a printout, a visual display unit or other reliable means.

(3) The presumption under subsection (1) applies irrespective of whether the information was stored, transmitted or transferred before or after its retrieval.

(4) A mobile transceiver unit or other vessel monitoring device installed and operated in accordance with this Act shall be judicially recognised as accurate.

(5) An authorised officer or other person authorised by the Authority may issue a certificate attesting to —

- (a) his or her name, address and official position;
- (b) his or her competency to interpret the printout or visual display unit of any machine capable of obtaining or ascertaining information from a mobile transceiver unit or other vessel monitoring device;
- (c) the date, time and specific details of the information obtained from the mobile transceiver unit or vessel monitoring device;
- (d) the name and call sign of the vessel associated with the mobile transceiver unit or vessel monitoring device; and
- (e) a declaration confirming that there was no apparent malfunction in the mobile transceiver unit or other vessel monitoring device, its transmissions, or any other associated equipment used to obtain the information.

### **Satellite-based evidence**

**132.**(1) Evidence obtained from satellite-based systems that provide accurate information on the location, movements, or activities of vessels shall be admissible in any proceedings under this Act.

(2) Such satellite-based evidence shall be presumed to be accurate and reliable unless evidence to the contrary is provided.

### Presumptions

**133.**(1) All fish found on board any vessel which has been used in the commission of an offence under this Act shall be presumed to have been caught during the commission of that offence, unless the contrary is proved.

(2) Where a vessel is found to be fishing in contravention of this Act in Seychelles waters fish found on board the vessel shall be evidence of illegal fishing unless the contrary is proved.

(3) Where, in any legal proceedings under this Act —

- (a) the place in which an event is alleged to have taken place is in issue, the place stated in the relevant entry in the logbook or other official record of any enforcement vessel or aircraft as being the place in which the event took place is presumed to be the place in which the event took place; and
- (b) the production of a written copy or extract of the entry certified by an authorised officer as a true copy of the accurate extract is *prima facie* evidence of an entry in a logbook or other official record of an enforcement vessel or aircraft.
- (c) the court considers that, having regard to that evidence, the grounds are reasonable,

all the fish shall be presumed to have been so taken, unless the contrary is proved.

(4) Where in any legal proceedings for an offence under this Act —

- (a) an authorised officer gives evidence of reasonable grounds to believe that any fish to which the charge relates were taken by the use of driftnets; and

- (b) the court considers that, having regard to the evidence, the grounds are reasonable;

all the fish shall be presumed to have been so taken, unless the contrary is proved.

(5) Where any information is given in respect of any fishing or related activity of a vessel, it is presumed to have been given by the operator, including the master, owner and charterer of the vessel concerned, unless it is proved that it was not given or authorised to be given by any of them.

(6) Any entry in writing or other mark in or on a log, chart or other document required to be maintained under this Act or used to record the activities of a vessel is deemed to be that of the operator, including the master, owner and charterer of the vessel.

(7) Any position fixing instrument on board a vessel or aircraft used for the enforcement of this Act is presumed to be accurate.

### **Interfering with evidence**

**134.**(1) No person shall interfere with evidence related to an offence under this Act.

(2) Without limiting the generality of subsection (1), no person shall —

- (a) while on board a vessel being pursued, about to be boarded, being boarded or notified that it will be boarded by an authorised officer, whether within or beyond Seychelles waters, throw overboard or destroy any fish, fish product, equipment, document, explosive, noxious substance or other thing with intent to avoid its seizure or the detection of any offence against this Act;
- (b) remove from custody any vessel, fish, fish product, equipment or other item held in custody under this Act, or act or omit to act so that a vessel, fish, fish product,

equipment or other item held in custody under this Act may be removed from custody, whether or not he or she knew that the vessel, fish, fish product, equipment or other item was being held in custody;

- (c) destroy, damage, render inoperative or otherwise interfere with any premises or facilities licensed under this Act; or
- (d) where a mobile transceiver unit or other vessel monitoring device is required under this Act, destroy, damage, render inoperative or otherwise interfere with any part of such mobile transceiver unit or other device aboard a vessel, or feed or input into a mobile transceiver unit or an applicable vessel monitoring system or other vessel monitoring device, information or data which is not officially required or is meaningless.

(3) Any person who contravenes subsection (1) or (2) commits an offence and shall be liable on conviction to a fine not exceeding the maximum amount described in the Third Schedule, or imprisonment not exceeding three years, or both.

## **PART 13 - OFFENCES AND PENALTIES**

### **Guidelines for determining fines and other penalties**

**135.**(1) The amount of any fine or determination, whether imposed through judicial proceedings or compounding of offences shall aim to —

- (a) ensure effective compliance with the provisions of this Act;
- (b) deter future violations; and
- (c) deprive offenders of any benefits gained from prohibited activities.

(2) When determining the level of a fine or other penalty, the following criteria shall be considered —

- (a) the seriousness of the offence, including —
  - (i) the minimum and maximum fine provided for the offence;
  - (ii) international and national requirements and best practices in relation to serious offences, including their definition in international fisheries instruments;
  - (iii) the impact of the offence on the fisheries resources, the environment and the economic and social well-being of citizens of Seychelles;
  - (iv) scope and duration of the offence;
  - (v) whether the offence involved personal injury or loss of life; and
  - (vi) the presence of multiple or associated offences.
- (b) the circumstances of the offender, including —
  - (i) the material and other benefits gained from the offence;
  - (ii) whether it is a first offence;
  - (iii) whether multiple offences are involved;
  - (iv) whether the offender acted alone or associated with others in committing the offence;
  - (v) the likelihood of the offender repeating the offence; and
  - (vi) the financial impact of the fine on the offender.

(3) An aggravated fine or determination shall be imposed for offences involving assault, obstruction or bribery of an authorised officer, observer or any fisheries officer or person carrying out responsibilities under this Act, damage to gear or vessels, personal injury, loss of life, illegal fishing, forgery, or damage to the environment.

(4) Where it appears that any offence against this Act involved transnational criminal activity or was committed in association with other transnational criminal activity, an aggravated fine or determination shall be imposed at a level of no less than ninety per cent of the maximum fine for the relevant offence.

### **General offence**

**136.**(1) Any person who contravenes any provision of this Act for which no specific fine or penalty is provided commits an offence and is liable on conviction to a fine not exceeding SCR15,500,000.

(2) For contraventions resulting in damage to fish or the marine environment in general, an additional fine equal to twice the total cost of restoration of the fisheries resources or twice the total cost of restoration of the environment or both may be imposed.

### **Conflict of interest**

**137.**(1) Where any matter under this Act comes before a person exercising any authority, duty or function under this Act, and that person has a personal interest in the matter, the person shall —

- (a) immediately disclose in writing the nature of his or her interest to the Chief Executive Officer of the Authority; and
- (b) shall not exercise any authority, duty or function in relation to the matter until directed otherwise.

(2) A person is deemed to have an interest in a matter if the person —

- (a) could benefit directly or indirectly from a decision on a matter over which he or she has influence or control, or if a

matter over which that person has influence or control relates in any way to a business or property —

- (i) over which the person directly or indirectly owns or controls;
  - (ii) owned or controlled, directly or indirectly, by a family member of that person;
  - (iii) in which he or she has a beneficial interest of any kind, whether through a trust or otherwise;
- (b) is party to, or will or may derive a material financial benefit from the matter;
  - (c) has a material financial interest in another party to the matter;
  - (d) is a family member of a person who will or may derive financial benefit from the matter; or
  - (e) is otherwise directly or indirectly materially interested in the matter, or any transaction affecting it.

(3) In this section —

- (a) “benefit” means gain or advantage of any kind, and includes financial gain, property, service, or improvement of condition;
- (b) “business” means any enterprise, incorporated or not, operating in Seychelles or elsewhere;
- (c) “family member” means a parent, brother, sister, spouse, cousin, aunt, uncle, nephew, niece or child, including a person who is adopted legally or in accordance with custom, or for whom care was given by the person, such that there exists a relationship in the nature of parent and

child, and shall also mean a spouse of any person referred to in this definition and their children, and any other member of a person's immediate or extended family;

- (d) “interest” means either direct or indirect ownership of, shares in, or financial benefit from, remuneration, fees, commissions or other payment from, or complete or partial control of such property or business; and
- (e) “property” means real or personal property whether situated in Seychelles or elsewhere.

(4) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding SCR15,500,000, and in addition any profits that accrued to such person as a result of the conflict of interest shall be forfeited and such person shall be discharged and not permitted to exercise any further authority, duties or functions under this Act.

### **Court may order additional penalties and compensation**

**138.**(1) In addition to any fine provided under this Act and unless otherwise provided, the court may order including but not limited to —

- (a) a term of imprisonment not exceeding twelve months, and where a fine is not paid into court on the terms required, such term of imprisonment in lieu of payment of the fine;
- (b) forfeiture of the vessel, fish on board or gear;
- (c) compensation to be paid to the owner of any property damaged or destroyed as a direct result of the offence; and
- (d) compensation for the cost of clearing any pollution that may have occurred as a direct result of the offence or removing any objects that continue to cause such pollution.

(2) Any cost associated with the destruction under subsection (2) shall be borne by the operator of the vessel.



### **Increased maximum fine for body corporate**

**139.** If a body corporate is convicted of an offence against this Act, a fine of up to two times the maximum fine specified for the offence may be imposed or determined.

### **Continuing offences and repeat offenders**

**140.(1)** Each day of a continuing offence shall be considered to constitute a separate offence.

(2) Any fine and penalty charged or determined for any person convicted of the same offence more than once shall be at a significantly higher level than imposed or determined on the previous occasion and, to the extent possible, shall be double such level.

(3) Notwithstanding anything to the contrary in this Act or any other laws where in a conviction for IUU fishing under this Act —

(a) the vessel was used in a past conviction under this this Act;  
or

(b) the operator of the vessel,

was previously convicted for an offence under this Act or the repealed Act, the vessel shall be forfeited to the State.

### **Decision to compound an offence**

**141.(1)** The Minister may, in consultation with the Attorney General, for a first offence, if the Minister is satisfied that an offence, has been committed under this Act and if the person admits the commission of the offence and agrees in writing to being dealt with under this section —

(a) compound the offence in lieu of instituting legal proceedings for a sum of money that shall be less than the maximum fine specified for the offence together with the forfeiture of any articles including fish, the vessel, equipment; or

- (b) order the release of any vessel or other article seized in connection with the offence on payment of a sum of money not exceeding the estimated value of the vessel or other article together with the maximum fines and costs that may be imposed in relation to the offence.

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

(3) The Minister shall determine the sum of money to be paid by the offender and the articles to be forfeited under subsection (1)(a), having due regard to the provisions of this Act, the nature, the circumstances, extent and gravity of the offence, the past behaviour of the offender, the extent of the damage caused by the offence on marine resources and ecosystems, and the financial benefit accrued from the violation to the offender.

(4) An ad-hoc compounding committee may be established to advise the Minister in the determination of the sum of money to be paid by the offender and of the nature and extent of any article to be forfeited in accordance with subsection (3).

(5) In order to achieve consistency in the determination of the appropriate sum of money to be paid under subsection (4), the ad-hoc committees shall develop a sentencing guideline.

(6) Upon determination of the sum of money to be paid by the offender by way of fine and upon determination of the nature and extent of any article to be forfeited or the sum to be paid by the offender in lieu of forfeiture if the Minister so agrees in accordance with subsection (3), the Minister shall sign the compounding agreement and serve it on the offender who shall pay the sum of money, and hand over all articles determined to be forfeited to the extent that they are not already in the control of the court or the Authority, within 14 days from the date of service.

(7) In the event the offender fails to pay the sum of money within the period set out in subsection (6), the compounding agreement shall be null and void and judicial proceedings shall be instituted or continued as the case may be.

(8) On payment of the sums mentioned in this section and on the effective forfeiture of articles determined to be forfeited, or on payment of the sum of money to be accepted in lieu of forfeiture, the compounding of any offence under subsection (1) shall be filed in court and thereupon the proceedings in connection with the commission of the offence which is pending shall be noted as compounded and the offender absolutely discharged.

(9) The compounding of an offence under this section shall be conclusive and final.

(10) In any proceedings brought against any person for an offence against this Act, it shall be a defence if the person proves that the offence has been compounded under this section.

### **Banning order**

**142.**(1) In addition to any other fine or penalty provided under this Act, the court or in the case of summary administrative proceedings, the Minister in consultation with the Attorney-General may order any natural person to be banned from engaging in fishing or related activities in Seychelles waters for a period up to five years if that person has been found to commit —

- (a) an offence involving unlicensed fishing; or
- (b) two or more offences against this Act.

(2) Any person who is banned from engaging in fishing or related activities under subsection (1), and the owner, operator or master of a vessel used for fishing or related activities who knowingly permits a person banned under subsection (1) to go or remain on board a vessel under his or her command or control, commits an offence and is liable on conviction to a fine not exceeding SCR15,500,000 or imprisonment not exceeding three 3 years or both.

## **PART 14 - MISCELLANEOUS**

### **Conflict of laws**

**143.** In the event of a conflict or inconsistency between this Act and any other laws of Seychelles, this Act shall take precedence.

## Notifications

**144.(1)** Any notification required under this Act shall be in writing.

(2) Except as otherwise specified in this Act, if under this Act any notice or other document is to be given, served upon or furnished to any person, that notice or other document may be —

- (a) given to the person physically;
- (b) given physically to any other person authorised to act on behalf of the person;
- (c) in the case of a notice or document to be given or served in the course of or for the purpose of any proceedings for an offence under this Act, served upon such person as the court may direct;
- (d) except in the case of a notice or document referred to in paragraph (c), sent by registered post to the person, or any other person authorised to act on that person's behalf, at the person's usual or last known place of business or abode;
- (e) except in the case of a notice or document referred to in paragraph (c), sent by electronic transmission to the person, or any other person authorised to act on the person's behalf, at the person's usual or last known address, and for the purpose of this paragraph —

“electronic transmission” means any transmission of information sent electronically; including any transmission sent by facsimile, electronic mail, or electronic data transfer; and

“address” includes a facsimile number or an electronic mail address.

(3) Where the operator of a foreign vessel is a defendant in a prosecution for an offence under this Act, notwithstanding any other law,

service on the defendant of any summons or other documents may also be effected —

- (a) by being delivered personally to the agent of the vessel on behalf of the defendant or being brought to the notice of the agent if that agent declines to accept it on behalf of the defendant;
- (b) by being sent to the agent of the vessel, by registered letter to that agent on behalf of the defendant at the agent's last known or usual place of residence or that agent's place of business; or
- (c) where no agent has been nominated in respect of any foreign vessel, by being delivered or sent under paragraph (a) or (b) to the master of the vessel.

(4) Any notice or document sent by registered post or electronic transmission is deemed to have been given when delivery is accepted or the read receipt is received, unless the notification provides otherwise, or unless the addressee proves otherwise that it was not his or her fault.

## Regulations

**145.**(1) The Minister may, in consultation with the Authority make regulations to carry out and give effect to the provisions of this Act, including without limitation —

- (a) managing, regulating, monitoring or controlling fishing and related activities, aquaculture, fish dealers, fish mongers and any other activities within the scope of this Act;
- (b) implementing any provisions of, or giving effect to, any international agreement, management agreement and international conservation and management measures;
- (c) implementing measures for cooperation and coordination with other Seychelles Government authorities or other

entities where appropriate and recommended by the Authority;

- (d) prescribing requirements, processes and other relevant matters for access agreements, licences, authorisations, other permissions and registration within the scope of this Act;
- (e) prescribing fees, charges, resource rents, or royalties payable in respect of any matter under this Act;
- (f) establishing zones or management areas under this Act;
- (g) prescribing forms, schedules and other documentation required under this Act;
- (h) implementing procedures and other requirements for reporting, monitoring, control and surveillance of activities under the scope of this Act;
- (i) duties, qualifications and appointment of authorised officers, observers and other personnel authorised to perform monitoring, control, surveillance or enforcement duties under this Act, including but not limited to fisheries or aquaculture inspectors;
- (j) regulating or prohibiting activities which may have an adverse impact on fisheries resources or the marine environment in which they occur;
- (k) regulating, controlling and managing research, surveys, education and training regarding fish, fisheries resources and activities and aspects of the marine environment relevant to fisheries management;
- (l) providing for the conditions of use and marking of vessels, gear, equipment including vessel monitoring systems and fish aggregating devices, and other items that may be regulated in accordance with this Act;

- (m) regulating bycatch;
- (n) regulating the registration of fishers;
- (o) possession, processing, and disposal of fish or fish products
- (p) regulating marine scientific research;
- (q) regulating the access to fisheries as genetic resources;
- (r) requiring elements of any account, record, document or information that any person or class of persons may be required to keep or provide for the purposes of this Act, including —
  - (i) the manner and form in which such account, record, document or information is to be kept, furnished or communicated;
  - (ii) the time for or within which such account, record, document or information is to be kept, furnished or communicated;
  - (iii) the person by or to whom such account, record, document or information is to be kept, furnished or communicated; and
  - (iv) the places where such account, record, document or information is to be kept, furnished or communicated;
- (s) taking necessary measures to combat illegal, unreported and unregulated fishing and related activities;
- (t) providing for the making of orders for any purpose under this Act;
- (u) setting conditions in relation to performance bonds, prescribing fines to be imposed under summary

administrative proceedings and providing for compensation or other payments under the Act;

- (v) amending the Schedules; and
- (w) providing for any other matter under the scope of this Act which is required or otherwise consistent with the objective and principles and needs to be prescribed.

(2) The Minister may, in consultation with the relevant Seychelles Government authority in respect of each of the following matters, make regulations —

- (a) regulating the construction and import of vessels used for fishing and prescribing construction standards for such vessels;
- (b) defining required prerequisites for the registration of vessels used for fishing in Seychelles;
- (c) prescribing safety standards and requirements for vessels used for fishing;
- (d) prescribing conditions for working on vessels used for fishing taking into account agreed international standards; and
- (e) prescribing manning and competency requirements for vessels registered in Seychelles used for fishing.

### **Repeal and savings**

**146.**(1) The Fisheries Act, 2014 (Act 20 of 2014) is repealed.

(2) Notwithstanding the repeal under subsection (1) —

- (a) any regulations, decision or order made under the repealed Act, before the coming into operation of this Act, shall be deemed to have been made under this Act and shall



continue to be in force, so far as it is not inconsistent with the provisions of this Act, until altered, amended or revoked under this Act;

- (b) any licence, authorisation or permit relating to fisheries granted or issued under the Fisheries Act before the coming into operation of this Act, shall be deemed to have been granted under this Act and shall continue to be in force, so far as it is not inconsistent with the provisions of this Act, until suspended or revoked under this Act or until the date of the expiry, whichever comes first;
- (c) any act of authority authorisation made or given under the repealed Act, before the coming into operation of this Act, shall be deemed to have been made under this Act and shall continue to be in force, so far as it is not inconsistent with the provisions of this Act, until altered, amended or revoked, as the case be, under this Act or until the date of its expiry, whichever comes first;
- (d) any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Act, before the coming into operation of this Act, shall continue to be in force, so far as it is not inconsistent with the provisions of this Act, until altered, amended or revoked under this Act;
- (e) any investigation, legal proceedings or penalty, forfeiture or punishment instituted or incurred in respect of an offence committed under the repealed Act may be instituted or continued under the repealed Act, as if this Act had not been enacted;
- (f) any contract or agreement executed by the Government under the repealed Act shall continue to have effect in accordance with its terms and conditions as if it has been executed under this Act until the validity of such contract or agreement or until altered, amended or revoked under this Act;

- (g) any investigation, legal proceedings or penalty, forfeiture or punishment instituted or incurred in respect of an offence committed under the repealed Act may be instituted or continued under the repealed Act, as if this Act had not been enacted; and
- (h) any contract or agreement executed by the Government under the repealed Act shall continue to have effect in accordance with its terms and conditions as if it has been executed under this Act until the validity of such contract or agreement or until altered, amended or revoked under this Act.

**SCHEDULE***[Section 62]***CLASSIFICATION OF LOCAL FISHING VESSELS**

The following classifications apply to all local fishing vessels under this Act and for each class shall have the following permitted activities subject to the designated crewing permitted.

<b>Class</b>	<b>Class 1</b>	<b>Class 2</b>	<b>Class 3</b>	<b>Class 4</b>
<b>Propulsion Type</b>	Outboard	Outboard	Inboard	Inboard
<b>Length Overall (LOA) in metres</b>	Less than 6.00	6.00 - 12.00	12.00 - 18.00	18.00 - Less than 24.00
<b>Ownership</b>	Wholly beneficially owned by one or more Seychellois citizens, or by a company incorporated under the laws of Seychelles where all shares are beneficially owned by Seychellois citizens.			
<b>Permitted Activities (Subject to Licensing)</b>				
<b>Handline</b>	✓	✓	✓	
<b>Trap</b>	✓	✓		
<b>Net</b>	✓	✓		
<b>Beach Seine</b>	✓	✓		
<b>Lobster</b>	✓	✓		
<b>Spanner Crab</b>	✓	✓	✓	✓
<b>Deepwater Shrimp</b>			✓	✓
<b>Octopus</b>	✓	✓		
<b>Sea Cucumber</b>			✓	✓
<b>Longline (Tuna and Tuna-like Species)</b>			✓	✓
<b>Dropline</b>			✓	✓
<b>Crew Requirements</b>	100% Seychellois	100% Seychellois	As per the National Guideline for the Recruitment of Non-Seychellois	As per the National Guideline for the Recruitment of Non-Seychellois