

Seychelles

## Quarantine Act

Act 22 of 1948

Legislation as at 30 June 2012

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# Seychelles

## Quarantine Act

### Act 22 of 1948

Commenced on 1 November 1948

*[This is the version of this document as it was at 30 June 2012 to 22 March 2020.]*

*[Act 22 of 1948; Pros 13 of 1948; Act [14 of 1963](#); S.I. 95 of 1975; S.I. 104 of 1975; S.I. 72 of 1976; Act [23 of 1976](#); Dec. 39 of 1975; S.I. 61 of 1988; S.I. 41 of 1991]*

#### 1. Short title

This Act may be cited as the Quarantine Act.

#### 2. Interpretation

In this Act, unless the context otherwise requires—

"**aerodrome**" includes both land and water aerodromes;

"**aircraft**" includes any machine which can derive support in the atmosphere from the reactions of the air and is intended for aerial navigation;

"**commander**" includes any person for the time being in charge or command of an aircraft;

"**master**" includes any person for the time being in charge or command of a ship;

"**port**" includes any place at which ships arrive or from which they depart;

"**ship**" includes a vessel or boat.

#### 3. Establishment of Quarantine Authority and appointment of health officers, visiting officers and staff

- (1) For the purposes of this Act there shall be established a Quarantine Authority with the powers, duties and functions prescribed in this Act. The Chief Medical Officer of shall be the Quarantine Authority.
- (2) For the purposes of this Act the President may appoint such health officers and visiting officers as he may consider necessary. In the exercise of their powers and in the performance of their duties under this Act, the health and the visiting officers shall act under the general direction and control of the Quarantine Authority.
- (3) The Quarantine Authority may, with the approval of the Minister, delegate in writing to health officers or to any health officer all the powers, duties and functions vested in the Quarantine Authority under this Act, save and except the power to make rules and orders under sections [5](#) and [6](#).
- (4) The President may appoint such clerks and servants to the Quarantine Authority as may, in his opinion, be required.

#### 4. Power to make regulations

- (1) The Minister may make regulations in respect of the whole or any part of Seychelles, including the ports and coastal waters thereof, for preventing—
  - (a) danger to public health from ship or aircraft or persons or things therein arriving at any place; and

- (b) the spread of infection by means of any ships or any aircraft about to leave any place, or by means of any person or thing about to leave any place in any ship or aircraft.
- (2) Without prejudice to the generality of the powers conferred by subsection (1), regulations under that subsection may, for the purposes therein set forth, make provision for all or any of the following matters, that is to say—
- (a) the collection and transmission of epidemiological and sanitary information;
  - (b) the signals to be displayed by ships or aircraft;
  - (c) the questions to be answered and information (whether oral or documentary) to be supplied by masters, commanders and other persons who are or have been on board any ship or aircraft or are desirous of boarding any ship or aircraft;
  - (d) the detention of ships or aircraft and of persons and things that are or have been on board any ship or aircraft;
  - (e) the destruction of articles which are or have been on board ships or aircraft;
  - (f) the duties to be performed by masters, commanders and other persons who are or have been on board ship or aircraft or who are desirous of boarding any ship or aircraft;
  - (g) authorising the making of charges and providing for the recovery of expenses;
  - (h) the enforcement of the regulations;
  - (i) the conferring on appropriate officers of powers to board ships and aircraft and to enter premises.

## 5. Power to make rules

- (1) Subject to the provisions hereafter contained, the Quarantine Authority may make rules for implementing or carrying into effect any regulations in force by virtue of [section 4](#) and for supplementing any such regulations in regard to any matters for which the Quarantine Authority may deem it expedient to provide with a view to carrying into effect the purposes set forth in subsection (1) of that section.
- (2) Without prejudice to the generality of the powers conferred by subsection (1), rules under that subsection may, for the purposes therein set forth, make provision for all or any of the following matters, that is to say—
- (a) regulating the granting or withdrawal of pratique;
  - (b) regulating the issuing of bills of health, certificates, and other documents;
  - (c) the governance of quarantine mooring stations, anchorages and berthing places, and of places where persons or things are detained or taken for examination and of places used for the observation or isolation of persons;
  - (d) the sanitation of ports and aerodromes and their surroundings, including measures for keeping them free from rodents, mosquitoes and other vectors of disease;
  - (e) fixing the charges sanctioned by regulations in force by virtue of [section 4](#) and providing for their incidence.
- (3) The power to make rules under subsections (1) and (2) shall be without prejudice to any power to make regulations under [section 4](#):

Provided however that no rules shall have any force or effect where they are any time inconsistent with any regulations in force by virtue of [section 4](#).

- (4) Rules made by the Quarantine Authority under the preceding provisions of this section shall not have any force or effect unless approved by the Minister. In approving any rules, the Minister may make any amendments thereto which he may deem desirable.

## 6. Power to make orders in emergency

- (1) When in the opinion of Quarantine Authority an emergency exists, the Quarantine Authority may by order direct special measures to be taking during the continuance of that emergency for any of the purposes specified in section 4 and 5, and any such order shall have effect notwithstanding anything to the contrary in any regulations or rules in force by virtue of those sections.
- (2) An order made under subsection (1) may be varied or rescinded by order of the Minister.

## 7. Offences and penalties

- (1) Any person who—
  - (a) refuses to answer or knowingly gives an untrue answer to any inquiry made under the authority of this Act, or intentionally withholds any information reasonably required of him by any officer or other person acting under the authority of this Act, or knowingly furnishes to any such officer or other person any information which is false; or
  - (b) refuses or wilfully omits to do any act which he is required to do by this Act, or refuses or wilfully omits to carry out any lawful order, instruction or condition made, given or imposed by any officer or other person acting under the authority of this Act; or
  - (c) assaults, resists, wilfully obstructs, or intimidates any officer or other person acting under the authority of this Act, or offers or gives or attempts to offer or give a bribe to any officer or person in connection with his powers or duties under this Act, or otherwise obstructs the execution of this Act,

shall be guilty of an offence and shall on conviction be liable to a fine of thirty thousand rupees or to imprisonment for two years or to both such fine and imprisonment.

- (2) Any person who is guilty of any other offence against this Act shall on conviction be liable to a fine of thirty thousand rupees or to imprisonment for two years or both such fine and imprisonment.

## 8. Duty and power of the police

- (1) It shall be the duty of every member of the police force to enforce (using force if necessary) compliance with this Act and with any order, instruction or condition lawfully made, given or imposed by any officer or other person under the authority of this Act; and for such purpose any member of the police force may board any ship or aircraft and may enter any premises without a warrant.
- (2) Any member of the police force may arrest without a warrant any person whom he has reasonable cause to believe to have committed any offence against this Act.

## 9. Disposal and recovery of charges and expenses

- (1) Any sum of money paid to the Quarantine Authority in respect of charges and expenses under this Act shall be forthwith paid by the Quarantine Authority to the Director General Financial Controller of the Ministry of Finance to the credit of general revenue.
- (2) In default of payment, when due, of any of the charges and expenses payable to the Quarantine Authority under this Act, such charges and expenses, with interest at the rate of four *per centum per annum* from the day when they became due and payable, may be enforced and recovered by the Quarantine Authority as a civil debt due to the Government.

- (3) A statement purporting to be signed by the Quarantine Authority that any amount is due by any person to the Quarantine Authority under this Act shall, without any proof of the signature or of any other matter, be *prima facie* evidence that the amount is due by that person.