

Seychelles

## National Monuments Act

Act 19 of 1980

Legislation as at 30 June 2012

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# Seychelles

## National Monuments Act Act 19 of 1980

Commenced on 31 July 1980

*[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]*

*[Act 19 of 1980; S.I. 40 of 1990; Act [3 of 1999](#)]*

### 1. Short title

This Act may be cited as the National Monuments Act.

### 2. Interpretation

In this Act, unless the context otherwise requires—

"**ancient monument**" means any building, ruin, pillar, statue, grave or other site or thing of a similar kind, or any remains thereof, which is known or believed to have been erected, constructed or used before 1st January, 1900;

"**Board**" means the Board established under [section 3](#);

"**monument**" means—

- (a) any ancient or national monument;
- (b) any area of land which is of archaeological or historical interest or which contains objects of such interest;
- (c) any old building or other structure;
- (d) any other object (whether natural or constructed by man) of aesthetic, archaeological, historical or scientific value or interest;

"**national monument**" means any monument declared to be a national monument under [section 5](#);

"**relic**" means—

- (a) any fossil of any kind;
- (b) any object of aesthetic, archaeological, historical or scientific value or interest;
- (c) any anthropological or archaeological contents of any monument.

### 3. Establishment of the National Monuments Board

- (1) There is hereby established a board, to be known as the National Monuments Board, which shall be a body corporate with perpetual succession and a common seal.
- (2) The Board shall consist of a Chairman and four other members appointed by the Minister by Notice published in the *Gazette* for such period as may be prescribed.
- (3) The Chairman and members of the National Monuments Board holding office immediately before the coming into operation of this section shall be deemed to be the Board duly appointed under subsection (2).

#### 4. Powers and duties of Board

- (1) The Board may—
  - (a) make a list of all monuments whose declarations as national monuments it considers desirable;
  - (b) take steps to ascertain the owner of any such monument;
  - (c) recommend to the Minister the declaration of any monument as a national monument;
  - (d) purchase or otherwise acquire any monument or relic;
  - (e) assume control over any monument or relic if so requested by the person having ownership or control thereof, and accept any such monument or relic which the owner thereof desires to give or has bequeathed to the Government;
  - (f) preserve, repair, restore or insure any monument, whether or not it is owned by it or is under its control;
  - (g) lend any relic to any museum or other public institution;
  - (h) undertake the excavation of any ancient monument and authorize any act it may deem necessary for the excavation, exploration or safe preservation of any ancient monument or relic wherever situate or found or by whosoever owned or controlled;
  - (i) erect or cause to be erected tablets in suitable places giving information about historical events which occurred at such places;
  - (j) through any of its members, have reasonable access at all time to any monument or relic;
  - (k) subject to the rights of any owner or occupier of property, do such things as may be necessary to facilitate the access of the public to any relic or monument which is owned or controlled by the Board or the Government;
  - (l) make provision for catering facilities within any area or place which has been declared to be a national monument;
  - (m) raise funds for the purpose of achieving its objects under the Act; and
  - (n) with the approval of the Ministries responsible for Culture and Land Use, permit persons to commercially exploit State owned national monuments under the terms of an agreement made in that behalf.
- (2) The Board shall—
  - (a) when required by the Minister, investigate and report on any matter relating to any monument or relic and upon the desirability of declaring any monument to be a national monument;
  - (b) on or before 1st March in every year furnish to the Minister, for presentation to the People's Assembly, a report upon its work during the immediately preceding year ending 31st December, and on any other matters connected with the preservation of monuments and relics which it may wish to bring to the attention of the Minister;
  - (c) make and maintain a register of all monuments and relics which it has acquired or which has been brought to its notice.

#### 5. Declaration of national monuments

- (1) The Minister may, on the recommendation of the Board, by order published in the *Gazette*, declare any monument to be a national monument, and in like manner declare that an existing national monument shall cease to be a national monument.

- (2) If a monument is situate on land not belonging to the Government, a declaration shall be made in accordance with the following procedure—
  - (a) at least one month before recommending to the Minister the declaration of any monument which does not belong to the Government, the Board shall notify the owner thereof in writing that it proposes to make such recommendation and such owner may thereupon lodge with the Board objections in writing to the proposal;
  - (b) in making its recommendation, the Board shall submit to the Minister proof that such notice was sent to the owner by registered post to his last known address, and shall also transmit to the Minister any objections which may have been lodged against such recommendation.

## 6. Notification of discoveries and Board's option to acquire ownership

- (1) The discovery of any ancient monument or relic shall be discoveries notified in writing to the Board without delay by the Board's discoverer thereof and also by the owner or occupier of the land on which such ancient monument or relic is discovered upon the discovery coming to his notice.
- (2) On receipt of a notice under subsection (1), the Board shall have right of option to acquire the ownership of the ancient monument or relic so discovered upon payment to the owner thereof of a sum of money to be agreed upon as fair and reasonable compensation, or, failing agreement, by reference to an arbitrator appointed by the Supreme Court.
- (3) If within 6 months after receipt of the first notice of discovery under subsection (1) the Board has failed to notify the owner of the ancient monument or relic that it intends to exercise its right of option, such right of option shall lapse.

## 7. No excavation without consent of Board

No person shall, without the written consent of the Board and subject to such conditions as it may impose or as may be prescribed, excavate any ancient monument.

## 8. No alteration or removal without consent of Board

- (1) No person shall, without the written consent of the Board,—
  - (a) make any alteration to, destroy or damage;
  - (b) move from its original site or export from Seychelles; or
  - (c) carry out any cultivation or other work so as to cause or be likely to cause injury or disturbance to,any ancient monument, national monument or relic, or any part thereof.
- (2) Any person who wishes to remove from its original site or to export from Seychelles any ancient monument, national monument or relic or any part thereof, shall when applying to the Board for its consent, supply the Board with a photograph or drawing of the monument or relic or part thereof and shall state the exact locality in which it is situate and the place to which and the purpose for which he wishes to remove or export it.

## 9. Offences and penalties

- (1) Any person who—
  - (a) defaces, damages or destroys any tablet erected by the Board under [section 4\(i\)](#);
  - (b) contravenes [section 6](#), [7](#) or [8](#);

- (c) in any application to the Board for its consent under section 7 or 8, makes any statement which is false in any material respect or supplies any photograph or drawing which is false in any material particular,

shall be guilty of an offence and liable to a fine of R.5,000 and to imprisonment for 2 years.

- (2) If any person is convicted of an offence under this Act which has resulted in any damage to, destruction or removal of, any ancient monument, national monument or relic or any part thereof or any tablet erected by the Board, the court may, in addition to any penalty imposed, order him to pay to the Board such sum as the court may determine for the purpose of repairing such damage or for the value of any article or thing removed or destroyed and may, in the case of any article which has been removed and which is still in the possession of any person, order such person to restore such article to the Board.

## 10. Regulations

The Minister may, on the advice of the Board, make regulations for the better carrying out of the purposes and provisions of this Act and in particular and without prejudice to the generality of the foregoing may make regulations—

- (a) regulating the access of the public to any monument or relic which is the property of the Government or the Board or which is held or controlled by the Board with the agreement of the owner;
- (b) prescribing fees which shall be payable for such access;
- (c) safeguarding national monuments, ancient monuments, tablets and relics from disfigurement, alteration, destruction, damage or export;
- (d) regulating the excavation of monuments, or prohibiting or regulating any specific act in or in respect of any monument; and
- (e) regulating the meetings, proceedings and conduct of business of the Board.

## 11. Seal of the Board

- (1) The seal of the Board shall be in the custody of the Board.
- (2) The seal of the Board may be altered in such manner as may be determined by the Board.
- (3) The seal of the Board shall not be affixed by any instrument except in the presence of two members of the Board and the Chairman all of whom shall sign the instrument in token of their presence.

## 12. Funds

- (1) All moneys belonging to the Board shall be paid into a bank account in the name of the Board.
- (2) There shall be paid into the bank account of the Board—
  - (a) all such sums of money as may be voted from time to time by the National Assembly for the use of the Board;
  - (b) all sums of money received by the Board in the exercise, performance and discharge of its powers, duties and functions;
  - (c) all such sums of money as may be received by the Board by way of loans, donations, gifts or grants.
- (3) There shall be paid out of the moneys belonging to the Board all sums of money required to defray any expenditure incurred by the Board in the exercise and discharge of its powers and functions under the Act and all such sums of money as are required or authorised to be paid out of the moneys of the Board.

**13. The financial year**

The financial year of the Board shall be the calendar year.

**14. Accounts**

- (1) The Board shall cause to be kept proper books and records in relation thereto in which all financial transactions of the Board shall be recorded.
- (2) The accounts of the Board shall be audited by an auditor who is qualified under section 157 of the Companies Act and is appointed by the Board.

**15. Staff**

The Board may appoint such staff as may be necessary on such terms and conditions as it may determine.

**16. Exemptions**

- (1) The income of the Board shall be exempt from any tax imposed under the Business Tax Act.
- (2) All legacies and donations for the benefit of the Board shall be exempt from stamp duty under the Stamp Duty Act.