

Seychelles

Pig Production (Control) Act

Act 24 of 1985

Legislation as at 30 June 2012

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Pig Production (Control) Act
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Seychelles

Pig Production (Control) Act

Act 24 of 1985

Commenced on 1 May 1987

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

1. Short title

This Act may be cited as the Pig Production (Control) Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**Chief Livestock Development Officer**" means the person for the time being holding the office of Chief Livestock Development Officer;

"**code of practice**" means the code of practice issued under [section 6\(3\)](#);

"**licence**" means a licence granted under [section 5](#);

"**Licensing Authority**" means the Licensing Authority established by section 3 of the Licences Act;

"**permit**" means a permit granted under [section 7](#);

"**pig breeding centre**" means a premises used for breeding pigs by the holder of a licence;

"**pig genetic centre**" means a pig genetic centre approved by the Minister under [section 3](#);

"**Seychelles Marketing Board**" means the Seychelles Marketing Board established by section 3 of the Seychelles Marketing Board Act.

3. Pig genetic centre

There shall be for the purposes of this Act one or more pig genetic centres approved by the Minister by notice published in the *Gazette*.

4. Prohibition

- (1) Subject to subsection (2), no person shall, other than in a pig genetic centre, own, possess or keep pigs unless he is the holder of a licence or a permit.
- (2) No person shall possess or keep pigs in an area declared by the Minister by notice published in the *Gazette* to be a restricted zone.
- (3) A notice under subsection (2) shall define the situation and boundaries of the restricted zone by means of a plan or description and the Minister may at any time, by notice published in the *Gazette*, vary the boundaries of a restricted zone.

5. Pig breeding licence

- (1) No person shall breed pigs except under and in accordance with a licence granted by the Licensing Authority.
- (2) An application for a licence under subsection (1) shall be made to the Licensing Authority in the prescribed form and shall be accompanied by the prescribed fee and the prescribed documents.

- (3) The Licensing Authority may require an applicant to furnish it with such additional document or information as it deems necessary for the purpose of making its decisions.
- (4) The Licensing Authority may, subject to this Act, grant or refuse a licence.
- (5) The Licensing Authority shall, when granting a licence under this section, designate the area within which the holder of the licence may carry out any or all of his activities under this Act.
- (6) A licence granted under this section is valid for the period for which it is granted, unless previously revoked by the Licensing Authority, and is not transferable.

6. Conditions to be complied with by pig breeders

- (1) The holder of a licence shall not—
 - (a) purchase or otherwise acquire pigs for breeding except from a pig genetic centre;
 - (b) sell or otherwise dispose of pigs, other than pigs purchased or acquired for breeding, except to the holder of a permit or, where he is the holder of a permit, to the Seychelles Marketing Board, to a person authorized by that Board or in accordance with the written authorization of the Chief Livestock Development Officer;
 - (c) sell or otherwise dispose of pigs purchased or acquired for breeding except in accordance with the written authorization of the Chief Livestock Development Officer;
 - (d) sell or otherwise dispose of any uncastrated boars;
 - (e) transfer pigs for breeding from one pig breeding centre to another without first obtaining the approval of the Chief Livestock Development Officer.
- (2) The holder of a licence shall—
 - (a) cause all boars born in his pig breeding centre to be castrated within 21 days of their birth in the manner to be determined by the Chief Livestock Development Officer;
 - (b) keep open for inspection by the Chief Livestock Development Officer or any person authorized by the Chief Livestock Development Officer at all reasonable time any pig breeding centre kept by him;
 - (c) maintain such records as the Chief Livestock Development Officer may from time to time direct in writing;
 - (d) provide for inspection by the Chief Livestock Development Officer, or any person authorized by the Chief Livestock Development Officer, any record kept pursuant to paragraph (c) and permit the Officer or the person to take copies of or extracts from any record or any entry in any record;
 - (e) comply with the code of practice;
 - (f) where he intends to terminate the business of pig breeding, not less than three months before terminating the business, notify the Chief Livestock Development Officer in writing of his intention.
- (3) The Chief Livestock Development Officer may, from time to time, issue written standard practices and guidelines for pig breeding which shall be known as the "code of practice".

7. Pig fattening permit

- (1) No person shall fatten pigs except under and in accordance with a permit granted by the Chief Livestock Development Officer.
- (2) An application for a permit under subsection (1) shall be made to the Chief Livestock Development Officer in the prescribed form and shall be accompanied by the prescribed fee.

- (3) The Chief Livestock Development Officer may require an applicant to furnish him with such document or information as he deems necessary for the purpose of making his decision.
- (4) The Chief Livestock Development Officer may, subject to this Act, grant or refuse a permit.
- (5) A permit granted under this section shall remain valid until revoked by the Chief Livestock Development Officer and is not transferable.

8. Conditions to be complied with by pig fatteners

- (1) The holder of a permit shall not—
 - (a) purchase or otherwise acquire uncastrated boars for fattening;
 - (b) purchase or otherwise acquire pigs for fattening except from the holder of a licence;
 - (c) sell or otherwise dispose of pigs except to the Seychelles Marketing Board, to a person authorized by that Board or in accordance with the written authorization of the Chief Livestock development Officer;
 - (d) keep at any time pigs for fattening in excess of the number stipulated in the permit.
- (2) The holder of a permit shall—
 - (a) keep open for inspection by the Chief Livestock Development Officer or any person authorized by him at all reasonable time any premises kept by him for fattening pigs;
 - (b) provide for inspection by the Chief Livestock Development Officer or any person authorized by him any record kept by him in relation to the business of pig fattening and permit such Officer or the person to take copies of or extracts from any record; and
 - (c) comply with any direction of the Chief Livestock Development Officer in relation to the premises kept for fattening pigs.

9. Power to vary or impose condition or suspend or revoke licence or permit

The Licensing Authority, in respect of a licence, or the Chief Livestock Development Officer, in respect of a permit, may at any time—

- (a) vary the conditions in the licence or permit;
- (b) impose conditions or further conditions in the licence or permit;
- (c) suspend, for any period, the licence or permit; or
- (d) revoke the licence or permit;
 - (i) for any breach of any conditions in the licence or permit; or
 - (ii) where the holder of a licence or permit is convicted of an offence under this Act.

10. Appeals

- (1) A person who is aggrieved by—
 - (a) a refusal to grant a licence;
 - (b) an imposition or variation of a condition in a licence;
 - (c) a suspension of a licence; or

- (d) a revocation of a licence,

may appeal against the refusal, suspension or revocation of or imposition or variation of a condition in, a licence and section 15 of the Licences Act shall apply to such an appeal as if it were an appeal under that section.

- (2) A person who is aggrieved by—

- (a) a refusal to grant a permit;
- (b) an imposition or variation of a condition in a permit;
- (c) a suspension of a permit; or
- (d) a revocation of a permit,

may, within 15 days from the date of the decision, appeal to the Minister against the refusal, suspension or revocation of, or imposition or variation of a condition in, a permit and the decision of the Minister on the appeal is final.

11. Surrender of licence or permit

The holder of a licence or permit which is revoked shall immediately surrender the licence or permit, in the case of a licence, to the Licensing Authority or, in the case of a permit, to the Chief Livestock Development Officer and shall not be entitled to any refund of the licence or permit fee or any part thereof unless the Minister in any particular case directs otherwise.

12. Authorized officer

- (1) The Licensing Authority may authorize any person on its staff or on the staff of any public body to inquire into, or report on, or otherwise deal with, any matter relating to—
 - (a) an application for a licence;
 - (b) an alleged breach of a condition in a licence;
 - (c) the renewal, suspension or revocation of a licence;
 - (d) a complaint against the holder of a licence; or
 - (e) the commission of an offence under this Act.
- (2) The Chief Livestock Development Officer may authorize any person to inquire into, or report on or otherwise deal with, any matter relating to—
 - (a) an application for a permit;
 - (b) an alleged breach of a condition in a permit;
 - (c) the renewal, suspension or revocation of a permit;
 - (d) a complaint against the holder of a permit;
 - (e) the commission of an offence under this Act.
- (3) A person authorized under subsection (1) or subsection (2) is hereafter referred to as an "authorized officer."

13. Right of entry and search

An authorized officer may, where he has reason to believe that an offence under this Act has been, or is being committed—

- (a) enter and search any premises;

- (b) call for or examine any licence, book or other document; or
- (c) take copies of or extracts from any book or document or any entry of the book or document.

14. Obstruction of Officers

No person shall prevent, hinder or obstruct the Chief Livestock Development Officer or a person authorized by the Chief Livestock Development Officer for the purposes of sections 6(2) and 8(2) or an authorized officer in the exercise of his functions under this Act.

15. Offences

- (1) Any person—
 - (a) who contravenes—
 - (i) section 4(1), section 4(2), section 5(1) or section 7(1);
 - (ii) being the holder of a licence, section 6;
 - (iii) being the holder of permit, section 8; or
 - (iv) section 14; or
 - (b) who fails to comply with a condition in a licence or permit, is guilty of an offence and is liable on conviction to a fine of R.1,000 and the court may order that any pig, equipment, book or document used in relation to or in connection with the commission of the offence shall be forfeited to the Republic or dealt with in such other manner as the court may order.
- (2) A person convicted of an offence under section 4(1), section 5(1) or section 7(1) is, in addition to any penalty imposed under subsection (1) of this section, liable to a further fine of R.100 for each day he continues to commit the offence after conviction.

16. Proof of licence or permit

Where a person is charged with contravening section 4(1), section 5(1) or section 7(1), the burden of proving that he is the holder of a licence or permit shall be on that person.

17. Regulations

The Minister may make regulations for carrying into effect the purposes and provisions of this Act and without limiting the generality of the foregoing, may make regulations for the purpose of—

- (a) prescribing the forms for the purposes of this Act;
- (b) prescribing the documents which must accompany an application under this Act;
- (c) prescribing the fees that may be charged under this Act;
- (d) restricting the number of licences or permits, in respect of the whole or any part of Seychelles, which may be granted under this Act.

18. Application

Notwithstanding anything contained in any other written law, this Act shall apply to all matters relating to the control of production of pigs.