

Seychelles

Licences Act, 2010

Licences (Miscellaneous Services) Regulations, 2011

Statutory Instrument 64 of 2011

Legislation as at 5 July 2017

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Licences (Miscellaneous Services) Regulations, 2011

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Seychelles

Licences Act, 2010

Licences (Miscellaneous Services) Regulations, 2011

Statutory Instrument 64 of 2011

Commenced on 31 October 2011

[This is the version of this document at 5 July 2017.]

[SI 64 of 2011]

1. Citation

These Regulations may be cited as the Licences (Miscellaneous Services) Regulations, 2011.

2. Interpretation

In these Regulations—

“**commission agent**” means any person who by way of business transact or arrange business for any other person in consideration of a commission or other remuneration;

“**draughtsman**” means a person who makes and designs plans and drawings of construction work within the scope of work permitted under schedule 4;

“**labour contractor**” means any person carrying on the business of employing labour in any activity including security services, refuse collection, waste disposal services and stevedoring activity;

“**refrigeration mechanic or technician**” means a person who has successfully completed an approved training course from the Industrial Training Centre for the repair and maintenance of refrigeration equipment including decommissioning Ozone Depleting Substances (ODS).

3. Services requiring a licence

(1) Notwithstanding any written law and subject to subregulation 4.), a person shall not, without a licence under these Regulations, charge a fee or receive any other consideration in cash or in kind for providing services as—

- (a) aircraft agent;
- (b) advertising agent;
- (c) baker;
- (d) beautician;
- (e) butcher;
- (f) car washer;
- (g) commission agent;
- (h) dealer in pesticides;
- (i) draughtsman (Class I, II, III & IV);
- (j) driving instructor;
- (k) garage owner;

- (l) hairdresser;
- (m) labour contractor;
- (n) operator of laundry and dry cleaning services;
- (o) printer;
- (p) patent and trade mark agent;
- (q) refrigeration mechanic and technician;
- (2) Subregulation (1) shall not apply to an individual—
 - (a) who is employed by the holder of a licence to provide any of the services referred to in subregulation (1) and who in the course of his employment with, and for and on behalf of, the holder of a licence is licensed under subregulation (1); or
 - (b) who is employed by another person to provide any of the services referred to in subregulation (1) and who in the course of his employment provides the service to his employer.

4. Application for a licence

- (1) Application for a licence to provide services referred in regulation 3(1) shall be in the form provided by the Authority and shall, subject to subregulation (2) of this regulation and regulation 15, be accompanied by the fees set out in schedule 2.
- (2) Where an application for a licence is refused, the Authority shall refund the licence fee and the surcharge, if any to the applicant.

5. Documents to accompany an application

An application for a licence under these Regulations shall be accompanied by the documents specified in schedule 1 as applicable to the relevant services.

6. Bodies to be consulted

Prior to granting a licence to provide any of the services referred to in regulation 3(1) the Authority shall consult the public bodies or persons specified in Schedule 3 as applicable to the relevant services.

7. Restriction or grant of licence

The Authority shall not grant a licence under these Regulations to—

- (a) an individual who—
 - (i) is less than 18 years old;
 - (ii) is an undischarged bankrupt; or
 - (iii) within five years preceding the date of the application, has been convicted of an offence involving dishonesty;
- (b) a firm, which does not have a place of business in Seychelles or where any of the partners are disqualified from obtaining a licence under paragraph (a);
- (c) an applicant who as a licence holder has breached the Licences Act, Regulations or the conditions of the licence, within three years preceding the date of application.

8. Restriction on scope of licence

- (1) A licence to provide services as a Draughtsman shall be granted in accordance with the categories and scope of work referred to in Schedule 4.
- (2) A licence to provide services as a repairer of electrical apparatus shall not include the repair, maintenance, servicing and installation of refrigeration equipment. In order to provide such services a Refrigeration Mechanic's licence shall be required.

9. Extended scope of licence

- (1) Notwithstanding the Licences (Trade) Regulations, the holder of a licence under these Regulations may import and sell goods where this is required to supply the goods as part of the service for which he holds a licence on any premises approved by the Authority.
- (2) A newspaper licence shall also authorise the holder of that licence to provide services as a printer.

10. Conditions of a licence

- (1) A licence to provide any of the services referred to in regulation 3(1) shall, in addition to the requirements of any conditions which the Authority may specify in the licence, require the holder of the licence to—
 - (a) provide services or work of good quality and observe the deadline for completion of work agreed with clients;
 - (b) be of good conduct in the course of carrying out trade or providing services;
 - (c) ensure that the premises used for the business does not give rise to nuisance by reason of noise, smell, dirt and fumes to any adjoining properties and occupiers thereof;
 - (d) ensure that the premises meet the requirements and standards set by the Department of Public Health;
 - (e) be courteous to persons seeking the services and ensure that the employees of license holder do likewise;
 - (f) keep the licensed place or premises clean at all times;
 - (g) take adequate steps to ensure that there is no overcrowding;
 - (h) store all materials in such a manner and in such a state as to prevent the emission of noxious or offensive effluvia therefrom;
 - (i) comply with standards declared under the law in respect of products or services;
- (2) A person licensed to provide the services of a dealer in pesticides shall comply with the Pesticides Act;
- (3) Where the holder of a licence is a corporate body or a firm, the director shall inform the Authority of any change of management, directors, partners and shareholders or change in the employment of the person or persons qualified to provide the services and in the case of a change of partner that the incoming or remaining partner is qualified to provide the service.
- (4) A person licensed to provide the services of a Draughtsman shall—
 - (i) write his name and sign all drawings prepared by him; and
 - (ii) not to sign drawings prepared by any other person;

- (iii) abide by the extent of works and class of projects permitted to be undertaken by the holder of the licence which may be subjected to revision at any time subject to 28 days notice of any such revision as and when applicable.

11. Licences requiring premises

Where premises are required for the purpose of the services specified in an application for a licence the applicant shall—

- (a) ensure that the premises comply with the planning requirements under the laws of Seychelles in respect of the premises; and
- (b) provide proof of ownership or lease of the premises.

12. Display of licence

The holder of a licence shall display the licence at a conspicuous place at his principal place of business.

13. Validity and non-transferability of licence

Subject to regulation 14, a licence under these Regulations shall be valid for a period of five years unless revoked by the Authority, and is non transferable.

14. Suspension, revocation and non-renewal of licence

- (1) If any licence holder—
 - (a) made any misrepresentation or failed to disclose any material fact in applying for the licence, and the misrepresentation or non-disclosure influenced the Authority to grant the licence;
 - (b) acted in contravention of the Licences Act or the regulations made under the said Act;
 - (c) contravened any condition of the licence;
 - (d) is in the opinion of the Authority, incapable of providing a proper service in case of poor service or no service having been provided in breach of the agreement;
 - (e) been convicted of any offence involving dishonesty, fraud or moral turpitude,the Authority may suspend the licence granted for such period as may be determined or revoke the licence or disallow the application for renewal.
- (2) Where the Authority suspends, revokes or refuses to renew a licence, it shall immediately notify the holder of the licence in writing.
- (3) A person whose Licence has been suspended shall not during the period of suspension trade or provide the respective services.
- (4) A person whose licence has been revoked shall immediately cease to provide the respective services.
- (5) A person whose licence has been suspended or revoked or whose application or renewal of licence has been refused may appeal to the Appeals Board.

15. Surcharge

A person who was the holder of a licence to provide any of the services referred to in regulation 3(1) and who applies, after the expiration of the licence, for a licence to provide the same service shall, unless the Authority is satisfied that he had, during the period between the expiration of his previous licence and his application ceased to provide the service, be liable, in addition to the licence fee and any other penalty under the Act, to a surcharge equal to 10% of the licence fee for each month or part thereof which has elapsed from the date of the expiration of the previous licence to the date of the lodging of his application.

16. Repeal of S.I. 33 of 2000

The Licences (Miscellaneous Services) Regulations, 2000 are hereby repealed.

17. Transitional

Any licence granted under the Licences (Miscellaneous Services) Regulations, 2000 and in force at the commencement of these Regulations shall continue until the expiry of the licence.

Schedule 1 (Regulation 5)**Dealer in pesticides*****Documents***

Documents which shall accompany an application—

- (a) in the case of an individual—
 - (i) a certificate of competence as a dealer in pesticides issued by the Registrar of the Pesticides Board;
 - (ii) documentary proof to the satisfaction of the Authority that the applicant is the owner or lessee of the premises;
 - (iii) planning approval for the use of the premises to store and deal in pesticides.
- (b) in the case of a firm, the relevant certificate specified in paragraph (a)(i) in respect of each of the partners of the firm and a true copy of the certificate of registration of the firm and the documents specified in paragraph (a)(ii) and (iii);
- (c) in the case of a corporate body, documentary proof to the satisfaction of the Authority that the corporate body has in its employment persons who have been issued with the relevant certificate referred to in paragraph (a)(i) and a true copy of the certificate of incorporation and memorandum and articles of association of the corporate body and the documents specified in paragraph (a)(ii) and (iii).

Driving instructor***Documents***

Documents which shall accompany an application—

- (a) in the case of an individual—
 - (i) a certificate of competency as a driving instructor from the Commissioner of Police;
 - (ii) documentary proof to the satisfaction of the Authority that the applicant has a minimum of five years experience as a licensed driver and has not been convicted of any traffic offence or a felony for the past five years; and
 - (iii) a character certificate from the Commissioner of Police;
- (b) in the case of a firm, the certificate and documentary proof set out in paragraph (a) in respect of each of the partners of the firm and a true copy of the certificate of registration of the firm;
- (c) in the case of a corporate body—
 - (i) written proof to the satisfaction of the Authority that the corporate body has in its employment persons who satisfy the requirement, of paragraph (a); and

- (ii) a true copy of the certificate of incorporation and the memorandum and articles of association of the corporate body.

Hairdresser

Documents

Documents which shall accompany an application—

- (a) in the case of an individual—
 - (i) a certificate of competency in hairdressing and design following the successful completion of a course at a recognised institution;
 - (ii) certificate of employment in a hairdressing salon in the capacity of a hairdresser for a period of not less than one year;
 - (iii) documentary proof to the satisfaction of the Authority that the applicant is the owner or lessee of the premises;
 - (iv) planning approval that the premises comply with all the planning requirements under the law of Seychelles.
- (b) in the case of a firm, the certificate and documentary proof set out in paragraph (a)(i) and (ii) in respect of each of the partners of the firm and a true copy of the certificate of registration of the firm and the documents specified in paragraph (a)(iii) and (iv);
- (c) in the case of a corporate body written proof to the satisfaction of the Authority that the corporate body has in its employment persons who satisfy the requirements of paragraph (a)(i) and (ii) and a true copy of the certificate of incorporation and memorandum and articles of association of the body corporate and the documents specified in paragraph (a) (iii) and (iv).

Beautician

Documents

Documents which shall accompany an application—

- (a) in the case of an individual—
 - (i) a certificate of competency in Beauty Therapy following the successful completion of a course from a recognized institution;
 - (ii) a certificate of employment in a Beauty salon in the capacity of Beautician for a period of not less than one year;
 - (iii) documentary proof to the satisfaction of the Authority that the applicant is the owner or lessee of the premises;
 - (iv) planning approval that the premises comply with all the planning requirements under the law of Seychelles;
- (b) in the case of a firm, the certificate and documentary proof set out in paragraph (a)(i) and (ii) in respect of each of the partners of the firm and a true copy of the certificate of registration of the firm and the documents specified in paragraph (a)(iii) and (iv);
- (c) in case of a body corporate, written proof to the satisfaction of the Authority that the corporate body has in its employment persons who satisfy the requirements of paragraph (a)(i) and (ii) and a true copy of the certificate of incorporation and memorandum and articles of association of the body corporate and the documents specified in paragraph (a)(iii) and (iv).

Refrigeration mechanic or technician

Documents

Documents which shall accompany an application—

- (a) in the case of an individual—
 - (i) a certificate of competency in the installation, repairing and servicing of refrigeration and air conditioning equipment including in decommissioning Ozone Depleting Substances (ODS) approved and issued by the Industrial Training Centre;
 - (ii) documentary proof to the satisfaction of the Authority that the applicant has a minimum of two years post qualifying experience in carrying out repair and maintenance of refrigeration equipment;
 - (iii) documentary proof to the satisfaction of the Authority that the applicant is the owner or lessee of the premises;
 - (iv) planning approval and certificate of occupancy that the premises to be used as workshop comply with all the planning requirements under the laws of Seychelles;
- (b) in the case of a firm, the certificate and documentary proof set out in paragraph (a)(i) and (ii) in respect of each partners of the firm and a true copy of the certificate of registration of the firm and the documents specified in paragraph (a)(iii) and (iv);
- (c) in the case of a body corporate written proof to the satisfaction of the Authority that the body corporate has in its employment persons who satisfy the requirements of paragraph (a)(i) and (ii) and a true copy of the certificate of incorporation and memorandum and articles of association of the body corporate and the documents specified in paragraph (a)(iii) and (iv).

Draughtsman

Documents

- (a) in the case of an individual, a certificate in Draughtsmanship or Building Construction or equivalent with documentary proof to the satisfaction of the Authority that the applicant has the following years of experience:
 - Class I — a minimum of 8 years experience as a Draughtsman
 - Class II — a minimum of 4 years experience as a Draughtsman
 - Class III — a minimum of 2 years experience as a Draughtsman
 - Class IV — a minimum of one year experience as a Draughtsman
- (b) in the case of a firm—
 - (i) the certificate and documentary proof set out in paragraph (a) in respect of each of the partners of the firm;
 - (ii) a true copy of the certificate of registration of the firm.
 - (iii) documentary proof of ownership and lease of the premises;
 - (iv) planning approval that the premises comply with all the planning requirements under the laws of Seychelles;
- (c) in the case of a corporate body—
 - (i) written proof to the satisfaction of the Authority that the corporate body has in its employment persons who satisfy the requirements of paragraph (a);

- (ii) a true copy of the certificate of incorporation and the memorandum and articles of association of the corporate body.
- (iii) documentary proof that the applicant is the owner or lease of the premises;
- (iv) planning approval that the premises comply with all the planning requirements under the laws of Seychelles;

Garage owner

Documents

Documents which shall accompany an application—

- (a) in the case of an individual where the services are to be provided by him or her—
 - (i) a certificate of competency in motor vehicle repair and maintenance and certificate of employment as a mechanic;
 - (ii) certificate of competency in motor vehicle repair and maintenance and of employment as a mechanic in respect of other persons to be employed by the applicant;
 - (iii) documentary proof to the satisfaction of the Authority that the applicant is the owner or lessee of the premises;
 - (iv) planning approval and certificate of occupancy that the premises to be used as a garage comply with all the requirements under laws of Seychelles;
- (b) in the case of a firm, the certificate and documentary proof set out in paragraph (a)(i) in respect of each of the partners of the firm and a true copy of the certificate of registration of the firm and the documents specified in paragraph (iii) and (iv);
- (c) in the case of a corporate body, written proof to the satisfaction of the Authority that the corporate body has in its employment persons who satisfy the requirements of paragraph (a)(i) and a true copy of the certificate of incorporation and memorandum and articles of association of the corporate body and the documents specified in paragraph (iii) and (iv).

Other services

Documents

Documents which shall accompany an application—

- (a) in the case of an individual who will personally provide the services and states that he has a certain standard of education, competence, skill or experience, a certificate showing that the applicant has the standard of education, competence, skill or experience;
- (b) in the case of a firm where the partners of a firm will personally provide the services, a certificate showing that the partners of the firm have the standard of education, competence, skill or experience;
- (c) in the case of a body corporate or where an individual or the partners in the firm will not personally provide the service, evidence to the satisfaction of the Authority that the body corporate, individual or firm employs or has contracted to employ persons possessing the standard of education, competence, skill or experience;
- (d) where premises are required for the purposes of providing services specified in the application, documentary proof that the applicant is the owner or lessee of the premises;
- (e) in the case of a firm a true copy of registration of the firm and in the case of a corporate body a true copy of the certificate of incorporation and the memorandum and articles of association of the corporate body;

- (f) in respect of an application requiring premises to carry out any of the following services, planning approval for the use of the premises to carry on the business:

Aircraft agent

Advertising Agent

Baker

Butcher

Carwasher

Commission Agent

Labor contractor

Operator of laundry and dry cleaning services

Patent and trade mark agent

Schedule 2 (Regulation 4)

Licence fees payable for five years

1. Licence fee to provide services as—

	SCR
(a) advertising agent	500
(b) aircraft agent	3000
(c) baker	1200
(d) beautician	1200
(e) butcher	1200
(f) car washer	1200
(g) commission agent	500
(h) dealer in pesticides	1200
(i) driving instructor	1000
(j) draughtsmans (Class I & II)	1000
(Class III & IV)	
(k) garage owner	1200
(l) hairdresser	1200
(m) patent/trademark agent	1000
(n) labour contractor	1000
(o) operator of laundry and dry cleaning services	1200
(p) printer	1200
(q) refrigeration mechanic	1000

Schedule 3 (Regulation 6)**Public bodies to be consulted**

- (a) Aircraft agent
 - The Seychelles Civil Aviation Authority
- (b) Baker
 - The Department of Public Health
 - Planning Authority
- (c) Car washer
 - The Department of Public Health
 - The Ministry responsible for Environment
- (d) Driving Instructor
 - The Seychelles Land Transport Agency
 - Commissioner of Police
- (e) Draughtsman
 - The Planning Authority
- (f) Patent and/or Trade Mark Agent
 - The Registrar General
- (g) Electrical Contractor
 - The Public Utilities Corporation
- (h) Garage owner
 - The Seychelles Land Transport Agency
 - Planning Authority
- (i) Hairdresser/Beautician
 - Planning Authority
 - The Department of Public Health
- (j) Refrigeration Mechanic or Technician
 - The Ministry responsible for Environment
- (k) Labour Contractor
 - The Ministry with portfolio responsibility for the type of service to be provided including, in the case of security services, the Ministry responsible for Defence and Commissioner of Police.
- (l) operator of laundry and dry cleaning services
 - Planning Authority
 - The Department of Public Health
- (m) Dealer in Pesticides

- The Pesticides Board
- (n) In respect of other services, the Ministry, Department or other public body responsible for the superintendence or management of the relevant services.

Schedule 4 (Regulation 8(1))

Scope of work

Draughtsman Class I

To make drawings and plans of construction works up to 500 m² in area

Draughtsman Class II

To make drawings and plans of construction works up to 250 m² in area

Draughtsman Class III

To make drawings and plans of construction works up to 150 m² in area

Draughtsman Class IV

To make drawings and plans of construction works up to 100 m² in area