



OFFICIAL GAZETTE

REPUBLIC OF SEYCHELLES

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TABLE OF CONTENTS

GENERAL NOTICES

Gazette Notices No. 888 of 2021 - 919 of 2021 are published by Order.

GAZETTE SUPPLEMENT

Gazette	Description	Price
90	Nature Reserves and Conservancy Bill, 2021. (Bill No. 62 of 2021)	248.00

GENERAL NOTICES

No. 888 of 2021

NOTICE

ACCESS TO INFORMATION ACT, 2018

(Act No. 4 of 2018)

In exercise of the powers conferred by section 7(1) of The Access to Information Act, 2018 (Act 4 of 2018) the head of **National Assembly** hereby designates **Ms Samia Lebon** as the Information Officer for **National Assembly**.

Dated this: 3rd November, 2021.

Mrs. Tania Isaac
Clerk to the National Assembly
National Assembly of Seychelles

Contact Details of Information Officer

Telephone: **4285658/2725244**

Email: slebon@nationalassembly.sc

No. 889 of 2021

INSURANCE ACT, 2008

(Act 11 of 2008)

Notice for licensing of Insurance Broker

In accordance with section 120(1)(d) of the Insurance Act, 2008 (Act 11 of 2008) notice is hereby given that on the 19th day of November, 2021, **All Insurance Broker (Pty) Limited** has been licensed to act as a domestic insurance broker only.

FINANCIAL SERVICES AUTHORITY

No. 890 of 2021

FOUNDATIONS ACT**Section 99(2)**

Notice is hereby given pursuant to Section 99(2) of the Foundations Act, 2009 that the name of the below foundations have been struck off the register due to failure to pay its annual fees and penalty fees with effect from **5th November, 2021**.

<u>Foundation Name</u>	<u>Reg. No.</u>
Marilyn Foundation	302
VC Leader Foundation	534
The Infinity Foundation	715
Worldwide Freedom Foundation	797
The Aintree Foundation	798

Financial Services Authority

No. 891 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT*(Act 15 of 2016)***Sections 272(1)(a)(i) and 272(2)(b)**

Notice is hereby given in accordance with section 272(2)(b) of the International Business Companies Act, 2016 (the Act), that the following companies will be struck off the register at the expiration of 60 days from the date of this publication, pursuant to section 272(1)(a)(i) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
Dimphamiwa Limited	152055
ATHENA MARKETING SERVICES PTE LTD	222889

Financial Services Authority

No. 892 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT*(Act 15 of 2016)***Sections 272(1)(a)(i) and 272(2)(b)**

Notice is hereby given in accordance with section 272(2)(b) of the International Business Companies Act, 2016 (the Act), that the following companies will be struck off the register at the expiration of 60 days from the date of this publication, pursuant to section 272(1)(a)(i) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
Melba Limited	92427
Sea Crest Holdings Limited	45257

Financial Services Authority

No. 893 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT*(Act 15 of 2016)***Sections 272(1)(a)(i) and 272(2)(b)**

Notice is hereby given in accordance with section 272(2)(b) of the International Business Companies Act, 2016 (the Act), that the following companies will be struck off the register at

the expiration of 60 days from the date of this publication, pursuant to section 272(1)(a)(i) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
TROVE CORPORATION	92014
ECOM ACADEMIC LTD	220262
TRADEMAX MARKETS LIMITED	181873
SHINE GLORY INTERNATIONAL CORP.	134138

Financial Services Authority

No. 894 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT

(Act 15 of 2016)

Sections 272(1)(b)(iii) and 272(2)(b)

Notice is hereby given in accordance with section 272(2)(b) of the International Business Companies Act, 2016 (the Act), that the following companies will be struck off the register at the expiration of 60 days from the date of this publication, pursuant to section 272(1)(b)(iii) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
Rich United Trading Limited	202841
Vanguard Ship Management Co., Ltd	206720
Urban Light Co., Ltd	131203
Celestial Sail Group Limited	160506

Financial Services Authority

No. 895 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT

(Act 15 of 2016)

Sections 272(1)(b)(iii) and 272(2)(b)

Notice is hereby given in accordance with section 272(2)(b) of the International Business Companies Act, 2016 (the Act), that Hit Tech Solutions Development Ltd - IBC No. 205153 will be struck off the register at the expiration of 60 days from the date of this publication, pursuant to section 272(1)(b)(iii) of the Act.

Financial Services Authority

No. 896 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT

(Act 15 of 2016)

Sections 272(1)(b)(iv) and 272(2)(b)

Notice is hereby given in accordance with section 272(2)(b) of the International Business Companies Act, 2016 (the Act), that the following companies will be struck off the register at the expiration of 60 days from the date of this publication, pursuant to section 272(1)(b)(iv) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
ASTERIA Commerce GmbH	175389
Positivica GmbH	175387

Financial Services Authority

No. 897 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT*(Act 15 of 2016)***Sections 272(1)(b)(iv) and 272(2)(b)**

Notice is hereby given in accordance with section 272(2)(b) of the International Business Companies Act, 2016 (the Act), that the following companies will be struck off the register at the expiration of 60 days from the date of this publication, pursuant to section 272(1)(b)(iv) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
Bitny Ergeny & AVCo, Oil & Gold Management Ltd.	186730
Holiday Villa Retreat Ltd.	140441
TFC Growth Equity Limited	90593
Ruminate Electronics LTD	142834
Mtb-Cat Ltd	194426
COOPFILM PRODUCTIONS LTD	78031
Mega Shipping Co. LTD	124914
Arc Investors Ltd	59014
SHIN KONG FINANCIAL INVESTMENTS LIMITED	168787
Dynaforge Ltd	206095
PEGASUS CREATIVE HOLDING LIMITED	171255
Vastfuture Holdings Limited	147010

Financial Services Authority

No. 898 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT*(Act 15 of 2016)***Section 217(5)(c)**

Notice is hereby given pursuant to Section 217(5)(c) of the International Business Companies Act, 2016 that **My Yachting & Villas Luxury Services Ltd - IBC No. 189924** has been struck off the register owing to continuation in another jurisdiction, with effect from **11th November, 2021.**

Financial Services Authority

No. 899 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT*(Act 15 of 2016)***Section 272(4)**

Notice is hereby given pursuant to Section 272(4) of the International Business Companies Act, 2016 that the following companies have been struck off the register with effect from **4th November, 2021.**

<u>Company Name</u>	<u>IBC No.</u>
IMPERIAL GRAIN LTD	126546
Shoreline Capital International Ltd	100616

Financial Services Authority

No. 900 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT*(Act 15 of 2016)***Section 272(4)**

Notice is hereby given pursuant to Section 272(4) of the International Business Companies Act, 2016 that the following companies have been struck off the register with effect from **8th November, 2021**.

<u>Company Name</u>	<u>IBC No.</u>
Pantona Investment Limited	149403
WANJI LIMITED	88335
Scandinavian Property Information Limited	30312
Empire Geoscience Ltd.	203082
Rependo Ltd	202833
Enaco Ltd	202835
Mereco Ltd	202834
Drillable Brush Co. Global Limited	157981

Financial Services Authority

No. 901 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT*(Act 15 of 2016)***Section 272(4)**

Notice is hereby given pursuant to Section 272(4) of the International Business Companies Act, 2016 that **One World Investments Limited - IBC No. 52911** have been struck off the register with effect from **12th November, 2021**.

Financial Services Authority

No. 902 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT*(Act 15 of 2016)***Sections 297(3)(a) and 297(5)**

Notice is hereby given pursuant to Section 297(5) of the International Business Companies Act, 2016 (the Act) that the following companies have been struck off the register owing to dissolution, with effect from **8th November, 2021** in accordance with Section 297(3)(a) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
Bridge Builder Corporation Inc.	184484
Woodthorpe Wealth Ltd	135771
MEDITERRANEAN BOUTIQUE HOTELS LIMITED	99543

Financial Services Authority

No. 903 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT*(Act 15 of 2016)***Sections 297(3)(a) and 297(5)**

Notice is hereby given pursuant to Section 297(5) of the International Business Companies Act, 2016 (the Act) that the following companies have been struck off the register owing to dissolution, with effect from **9th November, 2021** in accordance with Section 297(3)(a) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
HFGA Investments Limited	221379
JIMSON HOLDINGS LTD.	38897
Nertem Corporation	107062
Balkan Shipping Ltd	199588
Origin Shipping Limited	204078
Wideplan Ltd	196010
Melaorika Trading Group Ltd	218412
Ever Win International Trading Limited 恒利国际贸易有限公司	142567

Financial Services Authority

No. 904 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT

(Act 15 of 2016)

Sections 297(3)(a) and 297(5)

Notice is hereby given pursuant to Section 297(5) of the International Business Companies Act, 2016 (the Act) that the following companies have been struck off the register owing to dissolution, with effect from **10th November, 2021** in accordance with Section 297(3)(a) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
SPENDID OCEAN LIMITED	142973
ZIMPAY LTD	216501
REIDEN HOLDINGS LTD	216293
GUARD ELITE LIMITED	194456
Hiraya Management Ltd	210840
BEST LINK INTERNATIONAL INC.	49534

Financial Services Authority

No. 905 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT

(Act 15 of 2016)

Sections 297(3)(a) and 297(5)

Notice is hereby given pursuant to Section 297(5) of the International Business Companies Act, 2016 (the Act) that the following companies have been struck off the register owing to dissolution, with effect from **11th November, 2021** in accordance with Section 297(3)(a) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
HuijuShengCai Science And Technology Limited	218181
QIQI INTERNATIONAL TRADING LIMITED	136578
SMART PARTNER VENTURES LIMITED	224175
Eternal Hope Limited	185795
Eternal Prosperity Limited	185796

Financial Services Authority

No. 906 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT

(Act 15 of 2016)

Sections 297(3)(a) and 297(5)

Notice is hereby given pursuant to Section 297(5) of the International Business Companies Act, 2016 (the Act) that the following companies have been struck off the register owing to

dissolution, with effect from **12th November, 2021** in accordance with Section 297(3)(a) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
Citadel Financial Holdings Limited	210319
Orbertui Corporation Limited	192979
GROWTH PROPERTIES LIMITED	11130
Orient Trade Ltd	188808
Infinite Technology Co., Ltd.	199785
TUNGAASHIKE INVESTMENTS CO., LTD.	178733
SkyLine International Holdings Co., Ltd.	67649
HUAHONG INTERNATIONAL LIMITED	182064
LEADER LIMITED 先鋒有限公司	69242
SPIRIT LIMITED 精銳有限公司	69243

Financial Services Authority

No. 907 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT

(Act 15 of 2016)

Sections 297(3)(a) and 297(5)

Notice is hereby given pursuant to Section 297(5) of the International Business Companies Act, 2016 (the Act) that the following companies have been struck off the register owing to dissolution, with effect from **15th November, 2021** in accordance with Section 297(3)(a) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
Elite Fintech Limited	221901
Possession Rich Investment Limited	199199

Financial Services Authority

No. 908 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT

(Act 15 of 2016)

Sections 297(3)(a) and 297(5)

Notice is hereby given pursuant to Section 297(5) of the International Business Companies Act, 2016 (the Act) that the following companies have been struck off the register owing to dissolution, with effect from **16th November, 2021** in accordance with Section 297(3)(a) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
TIMEFORD LIMITED 時豐有限公司	114717
Azurite Ltd	165919
STROOD INTERNATIONAL LIMITED	37536

Financial Services Authority

No. 909 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT

(Act 15 of 2016)

Sections 297(3)(a) and 297(5)

Notice is hereby given pursuant to Section 297(5) of the International Business Companies

Act, 2016 (the Act) that the following companies have been struck off the register owing to dissolution, with effect from **17th November, 2021** in accordance with Section 297(3)(a) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
ESTA LIMITED	27656
NaturalBeautyGoddess Ltd.	179936
Advanced IT Business Solutions Limited	84517
MCG GROUPD LTD	218102
PINE LUCK INTERNATIONAL LIMITED	189327
TT-WILSON LIMITED	176141
B28 Strait Ltd	126921

Financial Services Authority

No. 910 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT

(Act 15 of 2016)

Sections 297(3)(a) and 297(5)

Notice is hereby given pursuant to Section 297(5) of the International Business Companies Act, 2016 (the Act) that the following companies have been struck off the register owing to dissolution, with effect from **18th November, 2021** in accordance with Section 297(3)(a) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
Broadway Global Co., Ltd	195196
Mellius Ventures Ltd	132908
Blue Ocean Ventures Ltd.	165932
Long Win Co., Ltd.	216888

Financial Services Authority

No. 911 of 2021

INTERNATIONAL BUSINESS COMPANIES ACT

(Act 15 of 2016)

Sections 297(3)(a) and 297(5)

Notice is hereby given pursuant to Section 297(5) of the International Business Companies Act, 2016 (the Act) that the following companies have been struck off the register owing to dissolution, with effect from **19th November, 2021** in accordance with Section 297(3)(a) of the Act.

<u>Company Name</u>	<u>IBC No.</u>
DOUBLE WINNER CO., LTD.	192207
SIDNEY GROUP CORP.	144609
Prime Projects Trading Limited	189026
CIRCLE MARINE SHIPPING CO., LTD	168808
WEALTHY EXCELLENCE LIMITED	219244
HARDCARBON LIMITED	141604
WorldTech Holding Limited	192097

Financial Services Authority

No. 912 of 2021

FINAL MEETING AND DISSOLUTION
BitMEX Securities Exchange Ltd.
(IN VOLUNTARY WINDING UP)

NOTICE IS HEREBY GIVEN THAT in compliance with section 165 (1) of the Insolvency Act 2013, a Final Meeting of the above Company will be held by Zoom Meeting at my office, 5th Floor Green Cross Building Belle Rose Quatre Bornes on 06 January 2022 at 14.00 hours for the following purposes:

Agenda

1. To take cognizance of the acts and dealings of the Liquidator.
2. To approve the dissolution and disposal of the books of the Company.
3. Any other business

Kindly send an email to gdabee@gdriches.mu to receive the connection detail to join in the Zoom Meeting.

Dated this 23rd day of November 2021.

Gowtamsingh Dabee ACA FCCA
Registered Insolvency Practitioner

No. 913 of 2021

FINAL MEETING AND DISSOLUTION
BitMEX Securities Facility Ltd.
(IN VOLUNTARY WINDING UP)

NOTICE IS HEREBY GIVEN THAT in compliance with section 165 (1) of the Insolvency Act 2013, a Final Meeting of the above Company will be held by Zoom Meeting at my office, 5th Floor Green Cross Building Belle Rose Quatre Bornes on 06 January 2022 at 14.00 hours for the following purposes:

Agenda

1. To take cognizance of the acts and dealings of the Liquidator.
2. To approve the dissolution and disposal of the books of the Company.
3. Any other business

Kindly send an email to gdabee@gdriches.mu to receive the connection detail to join in the Zoom Meeting.

Dated this 23rd day of November 2021.

Gowtamsingh Dabee ACA FCCA
Registered Insolvency Practitioner

No. 914 of 2021

FINAL MEETING AND DISSOLUTION
BitMEX Clearing Agency Ltd.
(IN VOLUNTARY WINDING UP)

NOTICE IS HEREBY GIVEN THAT in compliance with section 165 (1) of the Insolvency Act 2013, a Final Meeting of the above Company will be held by Zoom Meeting at my office, 5th Floor Green Cross Building Belle Rose Quatre Bornes on 06 January 2022 at 14.00 hours for the following purposes:

Agenda

1. To take cognizance of the acts and dealings of the Liquidator.
2. To approve the dissolution and disposal of the books of the Company.
3. Any other business

Kindly send an email to gdabee@gdriches.mu to receive the connection detail to join in the Zoom Meeting.

Dated this 23rd day of November 2021.

**Gowtamsingh Dabee ACA FCCA
Registered Insolvency Practitioner**

No. 915 of 2021

NOTICE

Notice is hereby given in pursuance of Section 96 of the Civil Status Act (Cap. 34) that the Chief Officer of the Civil Status has granted the under noted applications made under section 94 of Cap. 34.

Mr Fouad Abbasov authorized to change his name from Fouad Abbasov to Fuad Abbasov.

N. Flore
For: Chief Officer of the Civil Status

No. 916 of 2021

CHANGE OF NAME

Notice is hereby given that I have applied to the Chief Officer of the Civil Status to change my name from Thelma Mary Casquette to Thelma Mary Joseph agreeable with sections 94-99 of Cap. 34. Any person interested may oppose such application by filing a protest in writing setting forth his/her grounds of objections.

Ms. Thelma Casquette
Pointe Larue
Mahe
Seychelles

No. 917 of 2021

CHANGE OF NAME

Notice is hereby given that I have applied to the Chief Officer of the Civil Status to change my name from Zhou Zhou to Zhou Ken Zhou agreeable with sections 94-99 of Cap. 34. Any person interested may oppose such application by filing a protest in writing setting forth his/her grounds of objections.

Mr. Zhou Zhou
Beau Vallon
Mahe

No. 918 of 2021

CHANGE OF NAME

Notice is hereby given that I have applied to the Chief Officer of the Civil Status to change my name from Elise Marie Andre Gontier to Andray Marie Gontier agreeable with sections 94-99 of Cap. 34. Any person interested may oppose such application by filing a protest in writing setting forth his/her grounds of objections.

Ms Elise Gontier
C/o Estelle Rassool
La Misere
Mahe
Seychelles

No. 919 of 2021

NOTICE OF INTENTION TO APPLY FOR
CITIZENSHIP OF SEYCHELLES

Notice is hereby given that I, Kavita Dick whose further particulars appear below, being a person eligible to apply for citizenship under *Article 10/12 of the Constitution / Section 5(2)/5A/5B/5C and 6 of the Citizenship Act (Cap 30) have applied for *Registration/Naturalisation as a citizen of Seychelles and any person who knows any lawful reasons why the application should not be granted may forward a written and signed statement of the reasons within 28 days of the last publication of this notice to the Citizenship Officer, Immigration Division, Independence House, Victoria.

Further particulars:

- a) My present nationality is Mauritian.
 - b) The date of my first entry into Seychelles is January 2001.
 - c) The date of my last entry into Seychelles before the present application is February 2020.
 - d) I am gainfully employed as */carrying on business as Health Care assistant in Seychelles since October 2016.
 - f) The special circumstance which qualifies me to make this application is two Seychellois kids.
-

NATURE RESERVES AND CONSERVANCY BILL, 2021

(Bill No. 62 of 2021)

OBJECTS AND REASONS

Preserving the natural resources available is of prime importance to every country. Most of the countries have developed their own methods of preserving the resources gifted to them by Mother Nature. Statutory nature reserves and national parks are common efforts in this direction.

The present law in force in Seychelles for preserving areas of importance in respect of flora, fauna or features of geological or other special interest is the National Parks and Nature Conservancy Act (Cap 141). In order to make the optimal use of the limited land areas, preserving the sea and ecologically fragile and environmentally rich resources of the Republic, it is considered necessary to relook into the existing provisions of the law so as to cope with the present day needs and enabling private participation in preserving and managing nature reserves.

This Bill seeks to repeal the existing National Parks and Nature Conservancy Act (Cap 141) and replace it with a new law.

The Bill is divided into eleven parts.

Part I provides for preliminary matters such as short title, commencement and interpretation.

Part II provides for constitution and composition of the National Advisory Committee and functions of the Advisory Committee.

Part III provides for Protected Areas, that is, designation of protected areas, procedure for designation of protected areas, private submission of proposal to designate, and revocation of designation.

Part IV provides for Interim Protection by notice published in the Gazette.

Part V provides for designation of an area as seasonally protected area by the Minister by order published in the Gazette.

Part VI provides for management, development and regulation of activities in a protected area or category of protected areas such as Minister's power to assign or enter into agreement with the owner or other person responsible for protected areas, termination of management agreement, activity in a protected area including commercial activity and development of protected area.

Part VII provides for access and restrictions that is the guidelines and conditions for access, and entrance fee to enter a protected area.

Part VIII provides for enforcement and compliance provisions such as appointment of authorised officers, powers of authorised officers, power to seize articles and equipments etc., engaging private security services, removal of persons from a protected area, and surveillance and operations of a protected area.

Part IX provides for offences and penalties that is to say fixed penalties for contravention of certain provisions, offences and punishments and compounding of offences.

Part X provides for Appeals Board and Appeals.

Part XI provides for miscellaneous provisions such as maintaining of records, protection against legal proceedings for action taken in good faith, Minister's power to make regulations and repeal and savings.

Dated this day of NOVEMBER, 2021.

**FLAVIEN JOUBERT
MINISTER FOR AGRICULTURE, CLIMATE CHANGE AND
ENVIRONMENT**

NATURE RESERVES AND CONSERVANCY BILL, 2021

(Bill No. 62 of 2021)

ARRANGEMENT OF SECTIONS

PART I - PRELIMINARY

SECTIONS

1. Short title and commencement
2. Interpretation

PART II - NATIONAL ADVISORY COMMITTEE

3. Constitution and composition of the National Advisory Committee
4. Functions of the Advisory Committee

PART III - PROTECTED AREAS

5. Designation of Protected Areas
6. Procedure for designation of Protected Areas
7. Private submission of proposal to designate
8. Revocation of designation

PART IV - INTERIM PROTECTION

9. Interim protection

PART V - SEASONAL PROTECTION STATUS

10. Seasonal protection status order

PART VI - MANAGEMENT, DEVELOPMENT AND ACTIVITIES

11. Management
12. Management Agreement
13. Termination of management agreement
14. Activity in a Protected Area
15. Commercial activity
16. Development of Protected Area

PART VII - ACCESS AND RESTRICTIONS

17. Guidelines and conditions for access
18. Entrance Fee

PART VIII - ENFORCEMENT AND COMPLIANCE

19. Appointment of authorised officers
20. Powers of authorised officers
21. Power to seize
22. Private security services
23. Removal of persons from a protected area
24. Surveillance and operations

PART IX - OFFENCES AND PENALTIES

25. Offences subject to Fixed Penalty and Fixed Penalty Notice
26. Offences
27. Compounding of offences

PART X - APPEALS

28. Appeals Board
29. Appeals

PART XI - MISCELLANEOUS

30. Maintaining of records
31. Protection against legal proceedings
32. Regulations
33. Repeal and savings

NATURE RESERVES AND CONSERVANCY BILL, 2021

(Bill No. 62 of 2021)



A BILL FOR

AN ACT TO PROVIDE FOR THE CONSERVATION OF BIOLOGICAL DIVERSITY AND THE SUSTAINABLE USE OF ITS COMPONENTS AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

Short title and Commencement

1. This Act may be cited as the Nature Reserves and Conservancy Act, 2021 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Interpretation

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

“activity” means a process or operation whether commercial, industrial, domestic, agricultural or recreational carried out in a specific location or defined geographical space;

“Appeals Board” means the Appeals Board referred to in section 28 of this Act;

“authorised officer” means a person appointed under section 19, by the person managing the protected area with prior approval of the Minister,;

“biological diversity” means the variability among living organisms from all sources including, *inter alia* terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part and includes diversity within species, between species and of ecosystem;

“co-management” means an agreement between the person managing the protected area and another person or groups of persons interested in the preservation of that area and its resources, and the entities responsible for the conservation and sustainable use of the area and its resources;

“Committee” means the National Advisory committee constituted under section 3;

“conservation” means protection of biological diversity including associated ecosystem and cultural values;

“ecosystem” means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;

“ecological diversity” means a variety of ecosystems on any geographic level;

“environment” means air, water and land and the inter-relationship which exists among and between air, water and land, and human beings, other living creatures, plants, micro-organisms and property;

“fixed penalty” means a fixed penalty under subsection (2) of section 25 and “fixed penalty notice” means a notice issued under subsection (3) of that section offering a person an opportunity to discharge his or her liability to conviction for an offence on payment of the fixed penalty;

“management plan” means a document which sets out the management approach, goals, and framework for decision making to be applied in a protected area over a given period of time;

“Minister” means the Minister responsible for environment and “Ministry” shall be construed accordingly;

“protected area” means a clearly defined geographical space, recognised, dedicated and managed to meet objectives for conservation or sustainable uses;

“person managing a protected area” means the Republic, an authority, a public body or a person, as the case may be, assigned with the management of a protected area by law or under a written agreement;

“sustainable use” means an activity that does not lead to the long term decline in the health and integrity of biological diversity;

“sustainable use area” means a protected area with the objective for conservation and sustainable uses;

PART II - NATIONAL ADVISORY COMMITTEE

Constitution and composition of the National Advisory Committee

3.(1) The Minister shall, appoint a National Advisory Committee to advise the Minister on matters related to protected areas and the Minister

shall cause the names of the persons appointed to be published in the *Gazette*.

(2) The Committee shall consist of five members appointed by the Minister, of which —

- (a) three members shall be representatives of persons managing protected areas; and
- (b) two members shall have expertise in the conservation or sustainable use of biological diversity.

(3) The members of the Committee shall elect one amongst themselves as Chairperson of the Committee and in the absence of the Chairperson one of the members elected by the members present shall chair the proceedings.

(4) In appointing members to the Committee, the Minister shall have regard to representatives from inner islands.

(5) A member of the Committee shall hold office for a period of 3 years and shall be eligible for re-appointment.

(6) A member shall hold office for a maximum period of two consecutive terms.

(7) The Committee shall meet at least two times a year, at such time and place as the Chairperson determines.

(8) At a meeting of the Committee, three members shall constitute the quorum of which one member shall be a qualified and experienced appointee under subsection (2) (b).

(9) The Committee shall regulate its own proceedings.

Functions of the Advisory Committee

4.(1) The functions of the Committee shall include —

- (a) advising the Minister on matters covered under this Act;

- (b) considering any matter that may be referred to it by the Minister;
- (c) consulting, such technical persons as it may consider appropriate to advise on any specific scientific and technical matter;
- (d) recommending to the Minister, the areas that need to be designated as a protected area under this Act; and
- (e) performing such other functions as may be prescribed by regulations.

(2) The Committee shall submit, from time to time, or when required, a report to the Minister on all of its activities.

PART III - PROTECTED AREAS

Designation of protected areas

5.(1) The Minister may, by order published in the *Gazette*, designate an area as a protected area and classify, as may be considered necessary, the area into one of the following categories and assign a name thereto —

- (a) a Strict Nature Reserve;
- (b) an Ecological Reserve;
- (c) a National Park;
- (d) a Protected Landscape or Protected Seascape;
- (e) a Sustainable Use Area; or
- (f) a Transboundary Protected Area.

(2) The Minister may, notwithstanding the criteria under subsection (3), prescribe by regulations, further criteria for the classification of a protected area under subsection (1).

- (3) A protected area may be classified as —
- (a) a Strict Nature Reserve, if there exists a free interaction of natural ecological factors without any outside interference except an interference deemed indispensable for the safeguard of the very existence of the reserve;
 - (b) an Ecological Reserve, if a particular habitat or species, requires protection, subject to regular active interventions to address the needs of these particular species and to maintain their habitat;
 - (c) a National Park, for the purpose of promoting the propagation, protection and preservation of wildlife or aesthetic objects, prehistoric, scientific or other interests or matters of geological, historical or archaeological values for the benefit, advantage and enjoyment of the general public and includes in the case of marine national parks, an area of shore, sea or seabed with coral reef and other marine features;
 - (d) a Protected Landscape or Protected Seascape, if whether or not it is with coast or sea, the natural elements in isolation or through the interaction of people and nature has over time produced an area of distinct character with significant aesthetic, ecological and cultural value, and often with high biological diversity;
 - (e) a Sustainable Use Area, if it is managed with the objectives for conservation and sustainable use; or
 - (f) a Transboundary Protected Area if it is an area of sea or seabed that straddles one or more boundaries between countries, autonomous areas, or areas beyond the boundaries of sovereign states whose constituent parts are dedicated to the protection and maintenance of biological diversity and of natural and associated cultural resources managed co-operatively through legal or other effective means.

(4) The Minister shall, before making an order under subsection (1), ensure that the criteria referred to under subsections (2) and (3) have been adhered to and that the designation of the area will achieve the purpose specified under subsection (5).

(5) An order designating an area as a protected area under subsection (1) may be issued —

- (a) to protect and conserve ecosystems and areas of high biological diversity;
- (b) to protect specific species;
- (c) to promote the propagation and protection of wildlife, environment, aesthetic objects, scientific, cultural or other interests or matters of geological, pre-historical or archaeological values to ensure the long term conservation and sustainable use of ecosystems and bio diversities; and
- (d) to conserve areas that straddles between two sovereign states for the conservation of biological diversity and natural resources under joint management agreements.

(6) The Minister may, by order published in the *Gazette*, revise and alter the boundaries of an area designated under subsection (1).

(7) An order issued under subsection (6) shall be issued only after consultation with the person managing the protected area if that protected area is owned by a private person.

(8) The Minister, before revising and altering the boundaries of a protected area under subsection(6), shall cause a notice, of his or her intention to revise and alter the boundaries, to be published in the *Gazette* and in a local newspaper.

Procedure for designation of protected areas

6.(1) The Minister, before designating an area as protected under section 5, shall give public notice of his or her intention to designate the area as a protected area.

(2) A notice of intention to designate a protected area under subsection (1) shall —

- (a) state the classification of the area in any category under section 5(1);
- (b) describe the area to be designated;
- (c) state the justifications as to why the area requires protection status;
- (d) state that a person may lodge an objection to a designation or make suggestions to the Minister within such period as may be specified in the notice; and
- (e) state the place or places and the time during which the map specified in subsection (4) relating to the area may, without payment of a fee, be inspected.

(3) An objection or a suggestion in pursuance of the notice under subsection (1) shall be in writing accompanied by reasons for the objection or suggestion.

(4) The map referred to in subsection (2) (e) shall contain a brief description and location of the area and the boundaries thereof.

(5) The notice and map shall be published in the *Gazette* and in a local newspaper at least twice a week for three consecutive weeks.

(6) The Minister shall, if he or she thinks fit, cause to be served on a person who has an interest in the area, a copy of the notice and map.

(7) The Minister shall have a public consultation within twenty eight days from the date of the first publication of the notice under subsection (1), giving the public an opportunity to make objections or suggestions to the proposed designation.

(8) A notice for a public consultation under subsection (7) shall be published in a local newspaper on three consecutive days and the 3rd

consecutive day shall be at least seven days prior to the date fixed for the public consultation.

(9) The Minister shall appoint an independent person to attend the public consultations and he or she shall submit a report to the Minister containing objections and suggestions duly made at the public consultations.

(10) The Minister shall, in consultation with the Committee, consider the objections and suggestions received under subsection (9).

(11) The Minister, may designate an area as a protected area under section 5 if no objection or suggestion has been received under subsection 7 or the objections or suggestions received are vexatious or merit no consideration.

Private submission of proposal to designate

7.(1) A person may submit a proposal to the Minister to designate an area as a protected area under section 5(1).

(2) The proposal under subsection (1) shall contain justifications as to why the area needs to be designated as a protected area.

(3) Upon receipt of a proposal under subsection (1), the Minister may, in consultation with the Committee, —

- (a) issue a notice under section 6 declaring his or her intention to designate the area as a protected area; or
- (b) reject the proposal if he or she is not satisfied with the proposal and a reply shall be given to the applicant stating the grounds for rejection of his or her application.

(4) The provisions of section 6 shall apply to a notice issued under this section.

Revocation of designation

8.(1) Where a protected area or part thereof no longer needs to be protected or no longer falls within a category under section 5(1), the

Minister shall review the category and the purpose or criteria for designation of that protected area and revoke the designation.

(2) The Minister shall, before revoking the designation of a protected area, publish a preliminary notice in the *Gazette* at least once in a week for three consecutive weeks, declaring his or her intention to revoke the designation.

(3) The preliminary notice under subsection (2) shall —

(a) describe the area;

(b) state the reasons why the designation is being revoked and state that any person who wishes to make representations in favour or against the intended revocation, may do so, in writing to the Minister within such period as may be specified in the notice; and

(c) state a place or places at which and times during which the map relating to the area may, without payment of a fee, be inspected.

(4) The objections or suggestions in pursuance of the notice under subsection (3) shall be in writing specifying the reasons therefor.

(5) The Minister, in consultation with the Committee, shall consider the objections, hear an objector who wishes to be heard and consider other evidence that may be presented.

(6) The Minister, upon being satisfied that no objection has been received or after considering the objections and suggestions may by order published in the *Gazette*, revoke the designation.

PART IV - INTERIM PROTECTION

Interim protection

9.(1) The Minister may, by notice published in the *Gazette* and in a local newspaper, assign an interim protection status to a specified area with immediate effect to —

- (a) safeguard the natural features and wildlife of the area; and
- (b) assess a threat of harm to the area, wildlife or to the anthropogenic development in that area.

(2) A notice issued under subsection (1) shall clearly state the reason for assigning such interim protection status and call for any objections from persons who have an interest in that area.

(3) A person who has an interest in the area which is proposed for assigning an interim protection status may make an objection in writing to the Minister within seven days of publication of the notice giving reasons for the objection.

(4) The Minister shall, within fourteen days of receipt of the objections, if any, consider the objections and hear an objector who wishes to be heard.

(5) If the Minister is satisfied that the area specified under subsection (1) requires an interim protection status, he or she shall assign an interim protection status to the area for a period not exceeding ninety days with effect from the date of the notice.

(6) The Minister may, by notice published in the *Gazette* and a local newspaper, on or before the expiry of ninety days —

- (a) revoke the interim protection status where the protection is no longer required; or
- (b) initiate procedure for designation of the area as a protected area under section 6.

PART V - SEASONAL PROTECTION STATUS

Seasonal protection status order

10.(1) The Minister may, by order in the *Gazette*, designate an area as a seasonally protected area.

(2) The Minister, before designating an area as a seasonally protected area, shall cause to be published in the *Gazette* and in a local newspaper a notice of his or her intention to designate an area as a seasonally protected area.

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

- (a) state the intention to designate the area as seasonally protected;
- (b) describe the area to be designated;
- (c) state the reasons as to why the area requires seasonal protection status;
- (d) state that a person may make an objection or suggestion to the Minister on or before a date specified therein, which shall not be earlier than twenty eight days from the date the notice was first published; and
- (e) name the place or places at which and the time during which a copy of the map stated in subsection (5) relating to the area may, without payment of a fee, be inspected.

(4) An objection or a suggestion in pursuance of the notice under subsection (1) shall state in writing the reasons for the objection or suggestion.

(5) The map referred to in subsection (3) (e) shall contain a brief description and location of the area and the boundaries thereof.

(6) The notice and map shall be published in the *Gazette* and in a local newspaper at least twice in a week for three consecutive weeks.

(7) The Minister may, on information available to him or her, cause to be served on a person who has an interest in the area, a copy of the notice.

(8) The Minister shall have a public consultation, not earlier than twenty eight days from the date of first publication of the notice of intention

to designate, giving the public an opportunity to make objections or suggestions to the proposed designation.

(9) A notice for a public consultation under subsection (8) shall be published in a local newspaper on three consecutive days and the 3rd consecutive day shall be at least seven days prior to the date fixed for the public consultation.

(10) The Minister shall appoint an independent person who is not an employee of the Government to attend the public consultations and he or she shall submit a report to the Minister, within such time as the Minister may direct, on the objections and suggestions duly made at the public consultation.

(11) The Minister, in consultation with the Committee, shall consider the objections and suggestions received under subsection (10);

(12) The Minister, where no objection or suggestion has been made or on being satisfied that the objections or suggestions are vexatious or merit no consideration, may designate the area as a seasonally protected area.

PART VI - MANAGEMENT, DEVELOPMENT AND ACTIVITIES

Management

11.(1) The Minister may by order declare an existing authority or establish such authorities as may be considered necessary to manage a protected area or category of protected areas designated under sections 5, 9 or 10.

(2) An order under subsection (1) may declare an existing authority or newly established authority as a body corporate capable of suing and being sued, or purchasing, holding and alienating land, or receiving, holding or disposing of moneys paid to them by grant or otherwise for the purpose of defraying expenses incurred in carrying out the objects and provisions of this Act, and generally of doing and performing all such acts and things as a body corporate may do and perform, subject to the provisions of this Act or any written law for the time being in force.

(3) An order establishing an authority under subsection (1) shall provide for the manner of appointment of a Board, its members, a Chief Executive Officer, a deputy Chief Executive Officer and all matters necessary for the proper and efficient functioning of the authority.

(4) The Minister may, without prejudice to subsection (1), for the purpose of this Act —

- (a) assign to a person the management of an area designated as a protected area; or
- (b) enter into agreements with an owner of, or other person responsible for, the protected area.

Management agreement

12.(1) A person managing a protected area may with the prior approval of the Minister enter into a management agreement with another person for the management of that protected area.

(2) The management agreement under subsection (1) may provide for —

- (a) duties that may be discharged by a person;
- (b) the use of biological resources in the protected area;
- (c) access to the protected area;
- (d) terms and conditions of the management including the co-management of the protected area or part thereof;
- (e) development of economic opportunities in the protected area;
- (f) development of local management capacity and knowledge exchange;
- (g) support to ensure effective administration and management of the protected area;

- (h) scientific and administrative data and financial details linked to the management of the protected area; and
- (i) any other relevant matter.

(3) A copy of the management agreement shall be submitted to the Minister.

(4) Where a protected area designated under this Act is owned by a person other than the Republic, a public body or a public authority, he or she shall —

- (a) enter into a management agreement with the Minister for the management of the protected area; or
- (b) enter into a co-management agreement with the Minister and another person or organisation where the management of the protected area is proposed to be assigned to another person other than the private person.

(5) A person entering into a management agreement shall submit copies of the following documents to the Minister for approval —

- (a) the management plan of the protected area;
- (b) an annual report of the management plan; and
- (c) an annual audit report of the management plan.

Termination of management agreement

13.(1) Where a person managing a protected area does not adhere to the management plan of the protected area, the Minister may —

- (a) notify the person in writing of the non-adherence; and
- (b) direct the person to take such corrective steps set out in the notice within the period specified therein.

(2) Where a person fails to take the corrective steps referred to in subsection (1) (b), the Minister may, in consultation with the National Advisory Council, constituted under section 3, for ensuring the preservation and conservation of the protected area —

- (a) terminate the person's management agreement; and
- (b) assign another person to manage the protected area.

Activity in a Protected Area

14. A person managing a protected area may allow an activity in the protected area if —

- (a) the activity is in accordance with the management plan;
- (b) the activity is done according to the category that a protected area has been designated;
- (c) an agreement has been entered into between the person managing the protected area and the person responsible for the activity;
- (d) the activity aligns with the decisions taken for the objectives of the area.

Commercial activity

15. A person may conduct commercial activities in a protected area based on the category under which that area has been designated and in accordance with the management plan.

Development of protected area

16. The owner of an area which has been wholly or partly designated as a protected area shall develop the area based on the category under which that area has been designated provided that the provisions and requirements of the laws regulating environment protection, development and planning and any other relevant written laws are complied with.

PART VII - ACCESS AND RESTRICTIONS

Guidelines and conditions for access

17.(1) A person shall not —

- (a) enter into a protected area unless he or she follows the prescribed guidelines and conditions applicable to that protected area; or
- (b) perform any activity in a protected area which is outside the management plan of the protected area.

(2) The person managing the protected area may allow the entry of the following persons into a protected area —

- (a) a scientist to perform approved scientific research or any other research work;
- (b) a person to perform an activity related to conservation of the protected area or nature in general;
- (c) a person recording a media item which has been approved by the person managing the protected area;
- (d) a person who requires access for educational purposes or who is involved in a scientific programme;
- (e) a person who is a tourist or who wishes to enjoy the beauty of nature;
- (f) an emergency respondent or a person whose presence is necessary in the case of an emergency; or
- (g) any person who follows entry procedures regulating entry into such area.

Entrance Fee

18.(1) The person managing a protected area may charge a person such

fee for entering into or for being or remaining in a protected area or a part thereof as may be determined in consultation with the Minister.

(2) A fee under subsection (1) pertaining to each protected area shall be conspicuously displayed in a public notice at the entrance of a protected area.

PART VIII -ENFORCEMENT AND COMPLIANCE

Appointment of authorised officers

19. (1) The person managing a protected area may, in consultation with the Minister, by written instrument appoint authorised officers to carry out specific provisions of this Act.

(2) An appointment under subsection (1) shall cause to be published in the *Gazette* by the person managing the protected area.

(3) An authorised office appointed under subsection (1) shall have the powers of a police officer, as provided under the Criminal Procedure Code (Cap 54), in matters of arrest, search and detention of a person, conveyance, vessel, motor vehicle or a container under this Act.

(4) The person managing a protected area shall cause to be issued to every authorised officer appointed under subsection (1) an identification badge and the authorised officer shall upon request produce his or her badge before exercising power under this Act.

Powers of authorised officers

20.(1) An authorised officer or a police officer may —

- (a) search a person, conveyance, vessel, motor vehicle or a container in a protected area;
- (b) with an intention to search a vessel, pursue and board a vessel found in or leaving, or seeking to enter or leave, or reasonably suspected of having left, a protected area;

(c) detain a person who is found committing an offence under this Act.

(2) An authorised officer who detains a person under subsection (1) (c) shall hand over the person to the nearest police station.

Power to seize

21.(1) An authorised officer may, without a warrant seize a boat, fishing equipment, motor vehicle, vessel or other article or instrument where there is reasonable grounds to believe that the boat, fishing equipment, motor vehicle, vessel or other article or instrument has been used for committing or has been used in connection with the commission of, an offence under this Act.

(2) The authorised officer shall immediately report the seizure made under subsection (1) to the officer in charge of the nearest police station who shall thereupon take such action as may be deemed necessary.

(3) Notwithstanding subsection (2), the Court may order the release of a boat, fishing equipment, motor vehicle, vessel or other article or instrument where a satisfactory bond or other form of security for the value of such boat, fishing equipment, motor vehicle or other vessel or article or instrument is given.

Private security services

22.(1) The person managing a protected area may engage a private security service provider for the surveillance of the protected area.

(2) The person managing a protected area may appoint the personnel of a private security service provider as authorised officers for the surveillance of the protected area.

Removal of persons from a protected area

23. An authorised officer may prevent a person from entering, or remove a person from, a protected area if the person has failed or fails to comply with a notice, warning or direction given by the authorised officer.

Surveillance and operations

24. The Minister may, if it is considered necessary, assign authorised officers for the surveillance and operations of a protected area.

PART IX - OFFENCES AND PENALTIES

Offences subject to Fixed Penalty and Fixed Penalty Notice

25.(1) A person who —

- (a) interferes with the duties of an authorised officer or a person managing a protected area or hinders his or her performance under this Act;
- (b) impersonates a person managing a protected area or an authorised officer or staff of the person managing a protected area or the private security service provider or personnel of the private security service provider;
- (c) performs an activity in a protected area without the authorisation of the person managing the protected area;
- (d) fails to comply with a direction given by a person managing a protected area, an authorised officer, personnel of the private security provider or staff of a person managing a protected area;
- (e) commits an act of vandalism in a protected area;
- (f) removes, destroys, damages, alters or defaces a notice or warning which has been fixed by the person managing the protected area at or near the site of a protected area;
- (g) fails to comply with a notice, warning or direction given by a person managing the protected area under this Act;
- (h) enters a protected area without authorisation of the person managing the protected area; or

- (i) is found within a strict nature reserve or ecological reserve having in his or her possession an equipment or an instrument used or likely to be used or capable of being used for extracting biodiversity or used or likely to be used to do anything which will or is likely to cause harm to the protected area unless he or she proves that such equipment or instrument was intended to be used for a lawful purpose,

commits an offence and shall be liable on conviction to a fine of level 2 on the standard scale or to imprisonment for a term not exceeding 2 years.

(2) An authorised officer may issue a fixed penalty notice, in such form as may be prescribed, to any person who the authorised person has reason to believe is committing or has committed an offence under subsection (1) offering that person an opportunity to discharge his or her liability to conviction for that offence on payment of the fixed penalty specified in that subsection.

(3) If the fixed penalty is paid within the period specified in the fixed penalty notice the person to whom the fixed penalty notice is issued shall not be liable to be convicted of the offence in respect of which the notice was issued.

(4) Where a person has been given a notice under subsection (2) no proceedings shall be taken against any person for the offence in respect of which the notice was issued until the expiry of the period specified in the notice.

(5) Payment of a fixed penalty shall be made to the Registrar of 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 offence in respect of which the fixed penalty notice was issued.

(6) In any proceedings a certificate, signed by or under the authority of the Registrar of 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 a date specified in the certificate shall be sufficient evidence as to the facts stated, unless the contrary is proved.

(7) In this section “proceedings” means criminal proceedings in respect of an offence specified in subsection (1), and “conviction” shall be construed in like manner.

Offences

26.(1) A person who —

- (a) hunts, fishes, does or takes part in any activity involving the alteration of the configuration of the soil or the alteration of the configuration of the character of the vegetation, causes pollution of water, introduces exotic animals or plant species into the protected area or performs an act likely to harm or disturb the flora and fauna in the protected area;
- (b) lights, causes or authorises fire or charcoal to be lit in a place which could burn or cause danger to a tree, plant or species in a protected area;
- (c) destroys, removes, causes to be destroyed or causes to be removed, or attempts to destroy or to remove wood, trees, forests, corals, mangroves, seagrass and associated species or other habitats found in, produced on or stemming from a protected area;
- (d) releases a species that may cause danger to a protected area or anything therein,

commits an offence and shall on conviction be liable to a fine of level 7 on the standard scale or to imprisonment for a term not exceeding five years or to both such fine and imprisonment and shall also be liable to pay the cost of restoration of the soil, environment, flora and fauna.

(2) Where a person is convicted of an offence under section 25(1) or subsection(1), the court may, having regard to the circumstances including the nature of the offence and the character of the offender, instead of sentencing the person make a probation order requiring that person to perform community service in accordance with the Probation of Offenders Act (Cap 184).

Compounding of offences

27.(1) In this section “article” includes a boat, fishing equipment, motor vehicle, vessel or other article or instrument that has been used for committing or has been used in connection with the commission of, an offence under this Act.

(2) Where the Minister is satisfied that an offence under section 26 has been committed by any person and the person admits to committing the offence, accepts liability for the commission of the offence and agrees in writing to the matter being dealt with under this section, the Minister in consultation with the Attorney General, may —

- (a) compound the offence *in lieu* of instituting legal proceedings by accepting a sum of not less than the minimum and not more than the maximum fine specified for the offence together with the forfeiture of any article;
- (b) order the release of any article seized on payment of a sum of money not exceeding the estimated value of the vessel or other article;

(3) A sum of money received under this section shall be dealt with as though it were a fine imposed by a Court.

(4) 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 ecosystem or environment of the protected area, and the financial benefit accrued from the violation to the offender.

(5) 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 (1).

(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), within 14 days from the date of service of compounding agreement.

(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 the 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 and no court proceedings shall be instituted for that offence.

(10) In any proceedings brought against any person for an offence under this Act, it shall be a defence if the person proves that the offence has been compounded under this section.

PART X - APPEALS

Appeals Board

28. The Appeals Board established under section 73 of the Environment Protection Act, 2016 (Act 18 of 2016) shall be the Appeals Board for the purpose of the Act.

Appeals

29.(1) A person aggrieved by a decision of the Minister may appeal to the Appeals Board.

(2) The Appeals Board may, in considering an appeal —

- (a) confirm the decision of the Minister;
- (b) vary the decision of the Minister;
- (c) quash the decision of the Minister; or
- (d) direct the Minister to reconsider the decision.

(3) The Minister may make regulations providing for the procedures and the fee payable for an appeal.

PART XI - MISCELLANEOUS

Maintaining of records

30.(1) The Minister shall cause to be maintained a record of all documents relating to the designation of protected areas and it shall be made available to the public for inspection free of cost.

(2) The Minister shall cause to be maintained a register of the protected areas in the Ministry which shall be made available for inspection by the public.

Protection against legal proceedings

31. A suit or other legal proceeding shall not lie against the Minister, a person managing the protected area, an authority established under this Act, a staff of the person managing the protected area, an authorised officer or any other person acting under the direction of the Minister in respect of anything done or purported to be done in good faith in pursuance of this Act.

Regulations

32.(1) The Minister may make regulations generally for carrying out the provisions of this Act.

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

- (a) management plans;
- (b) the protection of a protected area including the species in the habitat of the protected area;
- (c) the conservation of biological diversity, including but not limited to the conservation of habitats and wildlife outside a protected area;
- (d) access to a protected area;
- (e) a list of further activities prohibited in a protected area;
- (f) the establishment of funds for specific purposes under this Act;
- (g) the development of each protected area or category of protected area;
- (h) guidelines and conditions concerning the maintenance of each protected area or category of protected area;
- (i) the types of activities that each protected area or category of protected area may perform;
- (j) an amendment or repeal of an order, direction or appointment or regulations made or issued under the repealed Act specified under section 33;
- (k) anything required to be prescribed under this Act.

(3) Regulations made under this section may provide that any person who contravenes any regulation commits an offence and shall on conviction be liable to a fine of level 5 on the standard scale or imprisonment for a term not exceeding 5 years.

Repeal and savings

33.(1) The National Parks and Nature Conservancy Act (Cap 141) is hereby repealed.

- (2) Notwithstanding the repeal under subsection (1) —
- (a) an area declared as protected area under the repealed Act, an order, direction, appointment or regulations made thereunder shall remain in force until amended or repealed under this Act;
 - (b) subject to any amendments, regulations made under the repealed Act shall remain in force until repealed under this Act;
 - (c) anything done under the repealed Act, shall be deemed to have been done under this Act;
 - (d) a prosecution instituted under the repealed Act shall be deemed to have been instituted under this Act;
 - (e) an area designated as a protected area before the commencement of this Act shall be deemed to be a protected area under this Act and the Minister may by notice published in the *Gazette* classify such protected area in any of the categories specified in Section 5(1) and revise and alter its boundaries in accordance with subsections (6), (7) and (8) of section 5.

NATURE RESERVES AND CONSERVANCY BILL, 2021

(Bill No. 62 of 2021)

OBJECTS AND REASONS

Preserving the natural resources available is of prime importance to every country. Most of the countries have developed their own methods of preserving the resources gifted to them by Mother Nature. Statutory nature reserves and national parks are common efforts in this direction.

The present law in force in Seychelles for preserving areas of importance in respect of flora, fauna or features of geological or other special interest is the National Parks and Nature Conservancy Act (Cap 141). In order to make the optimal use of the limited land areas, preserving the sea and ecologically fragile and environmentally rich resources of the Republic, it is considered necessary to relook into the existing provisions of the law so as to cope with the present day needs and enabling private participation in preserving and managing nature reserves.

This Bill seeks to repeal the existing National Parks and Nature Conservancy Act (Cap 141) and replace it with a new law.

The Bill is divided into eleven parts.

Part I provides for preliminary matters such as short title, commencement and interpretation.

Part II provides for constitution and composition of the National Advisory Committee and functions of the Advisory Committee.

Part III provides for Protected Areas, that is, designation of protected areas, procedure for designation of protected areas, private submission of proposal to designate, and revocation of designation.

Part IV provides for Interim Protection by notice published in the Gazette.

Part V provides for designation of an area as seasonally protected area by the Minister by order published in the Gazette.

Part VI provides for management, development and regulation of activities in a protected area or category of protected areas such as Minister's power to assign or enter into agreement with the owner or other person responsible for protected areas, termination of management agreement, activity in a protected area including commercial activity and development of protected area.

Part VII provides for access and restrictions that is the guidelines and conditions for access, and entrance fee to enter a protected area.

Part VIII provides for enforcement and compliance provisions such as appointment of authorised officers, powers of authorised officers, power to seize articles and equipments etc., engaging private security services, removal of persons from a protected area, and surveillance and operations of a protected area.

Part IX provides for offences and penalties that is to say fixed penalties for contravention of certain provisions, offences and punishments and compounding of offences.

Part X provides for Appeals Board and Appeals.

Part XI provides for miscellaneous provisions such as maintaining of records, protection against legal proceedings for action taken in good faith, Minister's power to make regulations and repeal and savings.

Dated this day of NOVEMBER, 2021.

**FLAVIEN JOUBERT
MINISTER FOR AGRICULTURE, CLIMATE CHANGE AND
ENVIRONMENT**

NATURE RESERVES AND CONSERVANCY BILL, 2021

(Bill No. 62 of 2021)

ARRANGEMENT OF SECTIONS

PART I - PRELIMINARY

SECTIONS

1. Short title and commencement
2. Interpretation

PART II - NATIONAL ADVISORY COMMITTEE

3. Constitution and composition of the National Advisory Committee
4. Functions of the Advisory Committee

PART III - PROTECTED AREAS

5. Designation of Protected Areas
6. Procedure for designation of Protected Areas
7. Private submission of proposal to designate
8. Revocation of designation

PART IV - INTERIM PROTECTION

9. Interim protection

PART V - SEASONAL PROTECTION STATUS

10. Seasonal protection status order

PART VI - MANAGEMENT, DEVELOPMENT AND ACTIVITIES

11. Management
12. Management Agreement
13. Termination of management agreement
14. Activity in a Protected Area
15. Commercial activity
16. Development of Protected Area

PART VII - ACCESS AND RESTRICTIONS

17. Guidelines and conditions for access
18. Entrance Fee

PART VIII - ENFORCEMENT AND COMPLIANCE

19. Appointment of authorised officers
20. Powers of authorised officers
21. Power to seize
22. Private security services
23. Removal of persons from a protected area
24. Surveillance and operations

PART IX - OFFENCES AND PENALTIES

25. Offences subject to Fixed Penalty and Fixed Penalty Notice
26. Offences
27. Compounding of offences

PART X - APPEALS

28. Appeals Board
29. Appeals

PART XI - MISCELLANEOUS

30. Maintaining of records
31. Protection against legal proceedings
32. Regulations
33. Repeal and savings

NATURE RESERVES AND CONSERVANCY BILL, 2021

(Bill No. 62 of 2021)



A BILL FOR

AN ACT TO PROVIDE FOR THE CONSERVATION OF BIOLOGICAL DIVERSITY AND THE SUSTAINABLE USE OF ITS COMPONENTS AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

Short title and Commencement

1. This Act may be cited as the Nature Reserves and Conservancy Act, 2021 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Interpretation

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

“activity” means a process or operation whether commercial, industrial, domestic, agricultural or recreational carried out in a specific location or defined geographical space;

“Appeals Board” means the Appeals Board referred to in section 28 of this Act;

“authorised officer” means a person appointed under section 19, by the person managing the protected area with prior approval of the Minister,;

“biological diversity” means the variability among living organisms from all sources including, *inter alia* terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part and includes diversity within species, between species and of ecosystem;

“co-management” means an agreement between the person managing the protected area and another person or groups of persons interested in the preservation of that area and its resources, and the entities responsible for the conservation and sustainable use of the area and its resources;

“Committee” means the National Advisory committee constituted under section 3;

“conservation” means protection of biological diversity including associated ecosystem and cultural values;

“ecosystem” means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;

“ecological diversity” means a variety of ecosystems on any geographic level;

“environment” means air, water and land and the inter-relationship which exists among and between air, water and land, and human beings, other living creatures, plants, micro-organisms and property;

“fixed penalty” means a fixed penalty under subsection (2) of section 25 and “fixed penalty notice” means a notice issued under subsection (3) of that section offering a person an opportunity to discharge his or her liability to conviction for an offence on payment of the fixed penalty;

“management plan” means a document which sets out the management approach, goals, and framework for decision making to be applied in a protected area over a given period of time;

“Minister” means the Minister responsible for environment and “Ministry” shall be construed accordingly;

“protected area” means a clearly defined geographical space, recognised, dedicated and managed to meet objectives for conservation or sustainable uses;

“person managing a protected area” means the Republic, an authority, a public body or a person, as the case may be, assigned with the management of a protected area by law or under a written agreement;

“sustainable use” means an activity that does not lead to the long term decline in the health and integrity of biological diversity;

“sustainable use area” means a protected area with the objective for conservation and sustainable uses;

PART II - NATIONAL ADVISORY COMMITTEE

Constitution and composition of the National Advisory Committee

3.(1) The Minister shall, appoint a National Advisory Committee to advise the Minister on matters related to protected areas and the Minister

shall cause the names of the persons appointed to be published in the *Gazette*.

(2) The Committee shall consist of five members appointed by the Minister, of which —

- (a) three members shall be representatives of persons managing protected areas; and
- (b) two members shall have expertise in the conservation or sustainable use of biological diversity.

(3) The members of the Committee shall elect one amongst themselves as Chairperson of the Committee and in the absence of the Chairperson one of the members elected by the members present shall chair the proceedings.

(4) In appointing members to the Committee, the Minister shall have regard to representatives from inner islands.

(5) A member of the Committee shall hold office for a period of 3 years and shall be eligible for re-appointment.

(6) A member shall hold office for a maximum period of two consecutive terms.

(7) The Committee shall meet at least two times a year, at such time and place as the Chairperson determines.

(8) At a meeting of the Committee, three members shall constitute the quorum of which one member shall be a qualified and experienced appointee under subsection (2) (b).

(9) The Committee shall regulate its own proceedings.

Functions of the Advisory Committee

4.(1) The functions of the Committee shall include —

- (a) advising the Minister on matters covered under this Act;

- (b) considering any matter that may be referred to it by the Minister;
- (c) consulting, such technical persons as it may consider appropriate to advise on any specific scientific and technical matter;
- (d) recommending to the Minister, the areas that need to be designated as a protected area under this Act; and
- (e) performing such other functions as may be prescribed by regulations.

(2) The Committee shall submit, from time to time, or when required, a report to the Minister on all of its activities.

PART III - PROTECTED AREAS

Designation of protected areas

5.(1) The Minister may, by order published in the *Gazette*, designate an area as a protected area and classify, as may be considered necessary, the area into one of the following categories and assign a name thereto —

- (a) a Strict Nature Reserve;
- (b) an Ecological Reserve;
- (c) a National Park;
- (d) a Protected Landscape or Protected Seascape;
- (e) a Sustainable Use Area; or
- (f) a Transboundary Protected Area.

(2) The Minister may, notwithstanding the criteria under subsection (3), prescribe by regulations, further criteria for the classification of a protected area under subsection (1).

- (3) A protected area may be classified as —
- (a) a Strict Nature Reserve, if there exists a free interaction of natural ecological factors without any outside interference except an interference deemed indispensable for the safeguard of the very existence of the reserve;
 - (b) an Ecological Reserve, if a particular habitat or species, requires protection, subject to regular active interventions to address the needs of these particular species and to maintain their habitat;
 - (c) a National Park, for the purpose of promoting the propagation, protection and preservation of wildlife or aesthetic objects, prehistoric, scientific or other interests or matters of geological, historical or archaeological values for the benefit, advantage and enjoyment of the general public and includes in the case of marine national parks, an area of shore, sea or seabed with coral reef and other marine features;
 - (d) a Protected Landscape or Protected Seascape, if whether or not it is with coast or sea, the natural elements in isolation or through the interaction of people and nature has over time produced an area of distinct character with significant aesthetic, ecological and cultural value, and often with high biological diversity;
 - (e) a Sustainable Use Area, if it is managed with the objectives for conservation and sustainable use; or
 - (f) a Transboundary Protected Area if it is an area of sea or seabed that straddles one or more boundaries between countries, autonomous areas, or areas beyond the boundaries of sovereign states whose constituent parts are dedicated to the protection and maintenance of biological diversity and of natural and associated cultural resources managed co-operatively through legal or other effective means.

(4) The Minister shall, before making an order under subsection (1), ensure that the criteria referred to under subsections (2) and (3) have been adhered to and that the designation of the area will achieve the purpose specified under subsection (5).

(5) An order designating an area as a protected area under subsection (1) may be issued —

- (a) to protect and conserve ecosystems and areas of high biological diversity;
- (b) to protect specific species;
- (c) to promote the propagation and protection of wildlife, environment, aesthetic objects, scientific, cultural or other interests or matters of geological, pre-historical or archaeological values to ensure the long term conservation and sustainable use of ecosystems and bio diversities; and
- (d) to conserve areas that straddles between two sovereign states for the conservation of biological diversity and natural resources under joint management agreements.

(6) The Minister may, by order published in the *Gazette*, revise and alter the boundaries of an area designated under subsection (1).

(7) An order issued under subsection (6) shall be issued only after consultation with the person managing the protected area if that protected area is owned by a private person.

(8) The Minister, before revising and altering the boundaries of a protected area under subsection(6), shall cause a notice, of his or her intention to revise and alter the boundaries, to be published in the *Gazette* and in a local newspaper.

Procedure for designation of protected areas

6.(1) The Minister, before designating an area as protected under section 5, shall give public notice of his or her intention to designate the area as a protected area.

(2) A notice of intention to designate a protected area under subsection (1) shall —

- (a) state the classification of the area in any category under section 5(1);
- (b) describe the area to be designated;
- (c) state the justifications as to why the area requires protection status;
- (d) state that a person may lodge an objection to a designation or make suggestions to the Minister within such period as may be specified in the notice; and
- (e) state the place or places and the time during which the map specified in subsection (4) relating to the area may, without payment of a fee, be inspected.

(3) An objection or a suggestion in pursuance of the notice under subsection (1) shall be in writing accompanied by reasons for the objection or suggestion.

(4) The map referred to in subsection (2) (e) shall contain a brief description and location of the area and the boundaries thereof.

(5) The notice and map shall be published in the *Gazette* and in a local newspaper at least twice a week for three consecutive weeks.

(6) The Minister shall, if he or she thinks fit, cause to be served on a person who has an interest in the area, a copy of the notice and map.

(7) The Minister shall have a public consultation within twenty eight days from the date of the first publication of the notice under subsection (1), giving the public an opportunity to make objections or suggestions to the proposed designation.

(8) A notice for a public consultation under subsection (7) shall be published in a local newspaper on three consecutive days and the 3rd

consecutive day shall be at least seven days prior to the date fixed for the public consultation.

(9) The Minister shall appoint an independent person to attend the public consultations and he or she shall submit a report to the Minister containing objections and suggestions duly made at the public consultations.

(10) The Minister shall, in consultation with the Committee, consider the objections and suggestions received under subsection (9).

(11) The Minister, may designate an area as a protected area under section 5 if no objection or suggestion has been received under subsection 7 or the objections or suggestions received are vexatious or merit no consideration.

Private submission of proposal to designate

7.(1) A person may submit a proposal to the Minister to designate an area as a protected area under section 5(1).

(2) The proposal under subsection (1) shall contain justifications as to why the area needs to be designated as a protected area.

(3) Upon receipt of a proposal under subsection (1), the Minister may, in consultation with the Committee, —

- (a) issue a notice under section 6 declaring his or her intention to designate the area as a protected area; or
- (b) reject the proposal if he or she is not satisfied with the proposal and a reply shall be given to the applicant stating the grounds for rejection of his or her application.

(4) The provisions of section 6 shall apply to a notice issued under this section.

Revocation of designation

8.(1) Where a protected area or part thereof no longer needs to be protected or no longer falls within a category under section 5(1), the

Minister shall review the category and the purpose or criteria for designation of that protected area and revoke the designation.

(2) The Minister shall, before revoking the designation of a protected area, publish a preliminary notice in the *Gazette* at least once in a week for three consecutive weeks, declaring his or her intention to revoke the designation.

(3) The preliminary notice under subsection (2) shall —

(a) describe the area;

(b) state the reasons why the designation is being revoked and state that any person who wishes to make representations in favour or against the intended revocation, may do so, in writing to the Minister within such period as may be specified in the notice; and

(c) state a place or places at which and times during which the map relating to the area may, without payment of a fee, be inspected.

(4) The objections or suggestions in pursuance of the notice under subsection (3) shall be in writing specifying the reasons therefor.

(5) The Minister, in consultation with the Committee, shall consider the objections, hear an objector who wishes to be heard and consider other evidence that may be presented.

(6) The Minister, upon being satisfied that no objection has been received or after considering the objections and suggestions may by order published in the *Gazette*, revoke the designation.

PART IV - INTERIM PROTECTION

Interim protection

9.(1) The Minister may, by notice published in the *Gazette* and in a local newspaper, assign an interim protection status to a specified area with immediate effect to —

- (a) safeguard the natural features and wildlife of the area; and
- (b) assess a threat of harm to the area, wildlife or to the anthropogenic development in that area.

(2) A notice issued under subsection (1) shall clearly state the reason for assigning such interim protection status and call for any objections from persons who have an interest in that area.

(3) A person who has an interest in the area which is proposed for assigning an interim protection status may make an objection in writing to the Minister within seven days of publication of the notice giving reasons for the objection.

(4) The Minister shall, within fourteen days of receipt of the objections, if any, consider the objections and hear an objector who wishes to be heard.

(5) If the Minister is satisfied that the area specified under subsection (1) requires an interim protection status, he or she shall assign an interim protection status to the area for a period not exceeding ninety days with effect from the date of the notice.

(6) The Minister may, by notice published in the *Gazette* and a local newspaper, on or before the expiry of ninety days —

- (a) revoke the interim protection status where the protection is no longer required; or
- (b) initiate procedure for designation of the area as a protected area under section 6.

PART V - SEASONAL PROTECTION STATUS

Seasonal protection status order

10.(1) The Minister may, by order in the *Gazette*, designate an area as a seasonally protected area.

(2) The Minister, before designating an area as a seasonally protected area, shall cause to be published in the *Gazette* and in a local newspaper a notice of his or her intention to designate an area as a seasonally protected area.

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

- (a) state the intention to designate the area as seasonally protected;
- (b) describe the area to be designated;
- (c) state the reasons as to why the area requires seasonal protection status;
- (d) state that a person may make an objection or suggestion to the Minister on or before a date specified therein, which shall not be earlier than twenty eight days from the date the notice was first published; and
- (e) name the place or places at which and the time during which a copy of the map stated in subsection (5) relating to the area may, without payment of a fee, be inspected.

(4) An objection or a suggestion in pursuance of the notice under subsection (1) shall state in writing the reasons for the objection or suggestion.

(5) The map referred to in subsection (3) (e) shall contain a brief description and location of the area and the boundaries thereof.

(6) The notice and map shall be published in the *Gazette* and in a local newspaper at least twice in a week for three consecutive weeks.

(7) The Minister may, on information available to him or her, cause to be served on a person who has an interest in the area, a copy of the notice.

(8) The Minister shall have a public consultation, not earlier than twenty eight days from the date of first publication of the notice of intention

to designate, giving the public an opportunity to make objections or suggestions to the proposed designation.

(9) A notice for a public consultation under subsection (8) shall be published in a local newspaper on three consecutive days and the 3rd consecutive day shall be at least seven days prior to the date fixed for the public consultation.

(10) The Minister shall appoint an independent person who is not an employee of the Government to attend the public consultations and he or she shall submit a report to the Minister, within such time as the Minister may direct, on the objections and suggestions duly made at the public consultation.

(11) The Minister, in consultation with the Committee, shall consider the objections and suggestions received under subsection (10);

(12) The Minister, where no objection or suggestion has been made or on being satisfied that the objections or suggestions are vexatious or merit no consideration, may designate the area as a seasonally protected area.

PART VI - MANAGEMENT, DEVELOPMENT AND ACTIVITIES

Management

11.(1) The Minister may by order declare an existing authority or establish such authorities as may be considered necessary to manage a protected area or category of protected areas designated under sections 5, 9 or 10.

(2) An order under subsection (1) may declare an existing authority or newly established authority as a body corporate capable of suing and being sued, or purchasing, holding and alienating land, or receiving, holding or disposing of moneys paid to them by grant or otherwise for the purpose of defraying expenses incurred in carrying out the objects and provisions of this Act, and generally of doing and performing all such acts and things as a body corporate may do and perform, subject to the provisions of this Act or any written law for the time being in force.

(3) An order establishing an authority under subsection (1) shall provide for the manner of appointment of a Board, its members, a Chief Executive Officer, a deputy Chief Executive Officer and all matters necessary for the proper and efficient functioning of the authority.

(4) The Minister may, without prejudice to subsection (1), for the purpose of this Act —

- (a) assign to a person the management of an area designated as a protected area; or
- (b) enter into agreements with an owner of, or other person responsible for, the protected area.

Management agreement

12.(1) A person managing a protected area may with the prior approval of the Minister enter into a management agreement with another person for the management of that protected area.

(2) The management agreement under subsection (1) may provide for —

- (a) duties that may be discharged by a person;
- (b) the use of biological resources in the protected area;
- (c) access to the protected area;
- (d) terms and conditions of the management including the co-management of the protected area or part thereof;
- (e) development of economic opportunities in the protected area;
- (f) development of local management capacity and knowledge exchange;
- (g) support to ensure effective administration and management of the protected area;

- (h) scientific and administrative data and financial details linked to the management of the protected area; and
- (i) any other relevant matter.

(3) A copy of the management agreement shall be submitted to the Minister.

(4) Where a protected area designated under this Act is owned by a person other than the Republic, a public body or a public authority, he or she shall —

- (a) enter into a management agreement with the Minister for the management of the protected area; or
- (b) enter into a co-management agreement with the Minister and another person or organisation where the management of the protected area is proposed to be assigned to another person other than the private person.

(5) A person entering into a management agreement shall submit copies of the following documents to the Minister for approval —

- (a) the management plan of the protected area;
- (b) an annual report of the management plan; and
- (c) an annual audit report of the management plan.

Termination of management agreement

13.(1) Where a person managing a protected area does not adhere to the management plan of the protected area, the Minister may —

- (a) notify the person in writing of the non-adherence; and
- (b) direct the person to take such corrective steps set out in the notice within the period specified therein.

(2) Where a person fails to take the corrective steps referred to in subsection (1) (b), the Minister may, in consultation with the National Advisory Council, constituted under section 3, for ensuring the preservation and conservation of the protected area —

- (a) terminate the person's management agreement; and
- (b) assign another person to manage the protected area.

Activity in a Protected Area

14. A person managing a protected area may allow an activity in the protected area if —

- (a) the activity is in accordance with the management plan;
- (b) the activity is done according to the category that a protected area has been designated;
- (c) an agreement has been entered into between the person managing the protected area and the person responsible for the activity;
- (d) the activity aligns with the decisions taken for the objectives of the area.

Commercial activity

15. A person may conduct commercial activities in a protected area based on the category under which that area has been designated and in accordance with the management plan.

Development of protected area

16. The owner of an area which has been wholly or partly designated as a protected area shall develop the area based on the category under which that area has been designated provided that the provisions and requirements of the laws regulating environment protection, development and planning and any other relevant written laws are complied with.

PART VII - ACCESS AND RESTRICTIONS

Guidelines and conditions for access

17.(1) A person shall not —

- (a) enter into a protected area unless he or she follows the prescribed guidelines and conditions applicable to that protected area; or
- (b) perform any activity in a protected area which is outside the management plan of the protected area.

(2) The person managing the protected area may allow the entry of the following persons into a protected area —

- (a) a scientist to perform approved scientific research or any other research work;
- (b) a person to perform an activity related to conservation of the protected area or nature in general;
- (c) a person recording a media item which has been approved by the person managing the protected area;
- (d) a person who requires access for educational purposes or who is involved in a scientific programme;
- (e) a person who is a tourist or who wishes to enjoy the beauty of nature;
- (f) an emergency respondent or a person whose presence is necessary in the case of an emergency; or
- (g) any person who follows entry procedures regulating entry into such area.

Entrance Fee

18.(1) The person managing a protected area may charge a person such

fee for entering into or for being or remaining in a protected area or a part thereof as may be determined in consultation with the Minister.

(2) A fee under subsection (1) pertaining to each protected area shall be conspicuously displayed in a public notice at the entrance of a protected area.

PART VIII -ENFORCEMENT AND COMPLIANCE

Appointment of authorised officers

19. (1) The person managing a protected area may, in consultation with the Minister, by written instrument appoint authorised officers to carry out specific provisions of this Act.

(2) An appointment under subsection (1) shall cause to be published in the *Gazette* by the person managing the protected area.

(3) An authorised office appointed under subsection (1) shall have the powers of a police officer, as provided under the Criminal Procedure Code (Cap 54), in matters of arrest, search and detention of a person, conveyance, vessel, motor vehicle or a container under this Act.

(4) The person managing a protected area shall cause to be issued to every authorised officer appointed under subsection (1) an identification badge and the authorised officer shall upon request produce his or her badge before exercising power under this Act.

Powers of authorised officers

20.(1) An authorised officer or a police officer may —

- (a) search a person, conveyance, vessel, motor vehicle or a container in a protected area;
- (b) with an intention to search a vessel, pursue and board a vessel found in or leaving, or seeking to enter or leave, or reasonably suspected of having left, a protected area;

(c) detain a person who is found committing an offence under this Act.

(2) An authorised officer who detains a person under subsection (1) (c) shall hand over the person to the nearest police station.

Power to seize

21.(1) An authorised officer may, without a warrant seize a boat, fishing equipment, motor vehicle, vessel or other article or instrument where there is reasonable grounds to believe that the boat, fishing equipment, motor vehicle, vessel or other article or instrument has been used for committing or has been used in connection with the commission of, an offence under this Act.

(2) The authorised officer shall immediately report the seizure made under subsection (1) to the officer in charge of the nearest police station who shall thereupon take such action as may be deemed necessary.

(3) Notwithstanding subsection (2), the Court may order the release of a boat, fishing equipment, motor vehicle, vessel or other article or instrument where a satisfactory bond or other form of security for the value of such boat, fishing equipment, motor vehicle or other vessel or article or instrument is given.

Private security services

22.(1) The person managing a protected area may engage a private security service provider for the surveillance of the protected area.

(2) The person managing a protected area may appoint the personnel of a private security service provider as authorised officers for the surveillance of the protected area.

Removal of persons from a protected area

23. An authorised officer may prevent a person from entering, or remove a person from, a protected area if the person has failed or fails to comply with a notice, warning or direction given by the authorised officer.

Surveillance and operations

24. The Minister may, if it is considered necessary, assign authorised officers for the surveillance and operations of a protected area.

PART IX - OFFENCES AND PENALTIES

Offences subject to Fixed Penalty and Fixed Penalty Notice

25.(1) A person who —

- (a) interferes with the duties of an authorised officer or a person managing a protected area or hinders his or her performance under this Act;
- (b) impersonates a person managing a protected area or an authorised officer or staff of the person managing a protected area or the private security service provider or personnel of the private security service provider;
- (c) performs an activity in a protected area without the authorisation of the person managing the protected area;
- (d) fails to comply with a direction given by a person managing a protected area, an authorised officer, personnel of the private security provider or staff of a person managing a protected area;
- (e) commits an act of vandalism in a protected area;
- (f) removes, destroys, damages, alters or defaces a notice or warning which has been fixed by the person managing the protected area at or near the site of a protected area;
- (g) fails to comply with a notice, warning or direction given by a person managing the protected area under this Act;
- (h) enters a protected area without authorisation of the person managing the protected area; or

- (i) is found within a strict nature reserve or ecological reserve having in his or her possession an equipment or an instrument used or likely to be used or capable of being used for extracting biodiversity or used or likely to be used to do anything which will or is likely to cause harm to the protected area unless he or she proves that such equipment or instrument was intended to be used for a lawful purpose,

commits an offence and shall be liable on conviction to a fine of level 2 on the standard scale or to imprisonment for a term not exceeding 2 years.

(2) An authorised officer may issue a fixed penalty notice, in such form as may be prescribed, to any person who the authorised person has reason to believe is committing or has committed an offence under subsection (1) offering that person an opportunity to discharge his or her liability to conviction for that offence on payment of the fixed penalty specified in that subsection.

(3) If the fixed penalty is paid within the period specified in the fixed penalty notice the person to whom the fixed penalty notice is issued shall not be liable to be convicted of the offence in respect of which the notice was issued.

(4) Where a person has been given a notice under subsection (2) no proceedings shall be taken against any person for the offence in respect of which the notice was issued until the expiry of the period specified in the notice.

(5) Payment of a fixed penalty shall be made to the Registrar of 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 offence in respect of which the fixed penalty notice was issued.

(6) In any proceedings a certificate, signed by or under the authority of the Registrar of 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 a date specified in the certificate shall be sufficient evidence as to the facts stated, unless the contrary is proved.

(7) In this section “proceedings” means criminal proceedings in respect of an offence specified in subsection (1), and “conviction” shall be construed in like manner.

Offences

26.(1) A person who —

- (a) hunts, fishes, does or takes part in any activity involving the alteration of the configuration of the soil or the alteration of the configuration of the character of the vegetation, causes pollution of water, introduces exotic animals or plant species into the protected area or performs an act likely to harm or disturb the flora and fauna in the protected area;
- (b) lights, causes or authorises fire or charcoal to be lit in a place which could burn or cause danger to a tree, plant or species in a protected area;
- (c) destroys, removes, causes to be destroyed or causes to be removed, or attempts to destroy or to remove wood, trees, forests, corals, mangroves, seagrass and associated species or other habitats found in, produced on or stemming from a protected area;
- (d) releases a species that may cause danger to a protected area or anything therein,

commits an offence and shall on conviction be liable to a fine of level 7 on the standard scale or to imprisonment for a term not exceeding five years or to both such fine and imprisonment and shall also be liable to pay the cost of restoration of the soil, environment, flora and fauna.

(2) Where a person is convicted of an offence under section 25(1) or subsection(1), the court may, having regard to the circumstances including the nature of the offence and the character of the offender, instead of sentencing the person make a probation order requiring that person to perform community service in accordance with the Probation of Offenders Act (Cap 184).

Compounding of offences

27.(1) In this section “article” includes a boat, fishing equipment, motor vehicle, vessel or other article or instrument that has been used for committing or has been used in connection with the commission of, an offence under this Act.

(2) Where the Minister is satisfied that an offence under section 26 has been committed by any person and the person admits to committing the offence, accepts liability for the commission of the offence and agrees in writing to the matter being dealt with under this section, the Minister in consultation with the Attorney General, may —

- (a) compound the offence *in lieu* of instituting legal proceedings by accepting a sum of not less than the minimum and not more than the maximum fine specified for the offence together with the forfeiture of any article;
- (b) order the release of any article seized on payment of a sum of money not exceeding the estimated value of the vessel or other article;

(3) A sum of money received under this section shall be dealt with as though it were a fine imposed by a Court.

(4) 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 ecosystem or environment of the protected area, and the financial benefit accrued from the violation to the offender.

(5) 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 (1).

(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), within 14 days from the date of service of compounding agreement.

(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 the 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 and no court proceedings shall be instituted for that offence.

(10) In any proceedings brought against any person for an offence under this Act, it shall be a defence if the person proves that the offence has been compounded under this section.

PART X - APPEALS

Appeals Board

28. The Appeals Board established under section 73 of the Environment Protection Act, 2016 (Act 18 of 2016) shall be the Appeals Board for the purpose of the Act.

Appeals

29.(1) A person aggrieved by a decision of the Minister may appeal to the Appeals Board.

(2) The Appeals Board may, in considering an appeal —

- (a) confirm the decision of the Minister;
- (b) vary the decision of the Minister;
- (c) quash the decision of the Minister; or
- (d) direct the Minister to reconsider the decision.

(3) The Minister may make regulations providing for the procedures and the fee payable for an appeal.

PART XI - MISCELLANEOUS

Maintaining of records

30.(1) The Minister shall cause to be maintained a record of all documents relating to the designation of protected areas and it shall be made available to the public for inspection free of cost.

(2) The Minister shall cause to be maintained a register of the protected areas in the Ministry which shall be made available for inspection by the public.

Protection against legal proceedings

31. A suit or other legal proceeding shall not lie against the Minister, a person managing the protected area, an authority established under this Act, a staff of the person managing the protected area, an authorised officer or any other person acting under the direction of the Minister in respect of anything done or purported to be done in good faith in pursuance of this Act.

Regulations

32.(1) The Minister may make regulations generally for carrying out the provisions of this Act.

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

- (a) management plans;
- (b) the protection of a protected area including the species in the habitat of the protected area;
- (c) the conservation of biological diversity, including but not limited to the conservation of habitats and wildlife outside a protected area;
- (d) access to a protected area;
- (e) a list of further activities prohibited in a protected area;
- (f) the establishment of funds for specific purposes under this Act;
- (g) the development of each protected area or category of protected area;
- (h) guidelines and conditions concerning the maintenance of each protected area or category of protected area;
- (i) the types of activities that each protected area or category of protected area may perform;
- (j) an amendment or repeal of an order, direction or appointment or regulations made or issued under the repealed Act specified under section 33;
- (k) anything required to be prescribed under this Act.

(3) Regulations made under this section may provide that any person who contravenes any regulation commits an offence and shall on conviction be liable to a fine of level 5 on the standard scale or imprisonment for a term not exceeding 5 years.

Repeal and savings

33.(1) The National Parks and Nature Conservancy Act (Cap 141) is hereby repealed.

- (2) Notwithstanding the repeal under subsection (1) —
- (a) an area declared as protected area under the repealed Act, an order, direction, appointment or regulations made thereunder shall remain in force until amended or repealed under this Act;
 - (b) subject to any amendments, regulations made under the repealed Act shall remain in force until repealed under this Act;
 - (c) anything done under the repealed Act, shall be deemed to have been done under this Act;
 - (d) a prosecution instituted under the repealed Act shall be deemed to have been instituted under this Act;
 - (e) an area designated as a protected area before the commencement of this Act shall be deemed to be a protected area under this Act and the Minister may by notice published in the *Gazette* classify such protected area in any of the categories specified in Section 5(1) and revise and alter its boundaries in accordance with subsections (6), (7) and (8) of section 5.