

**S.I. 160 of 2020**

**FISHERIES ACT, 2014**

*(Act 20 of 2014)*

**Fisheries (Aquaculture) Regulations, 2020**

**Arrangement of Regulations**

**Part I - Title, commencement, interpretation,  
scope of application and objectives**

1. Citation and commencement
2. Interpretation
3. Scope of application
4. Aquaculture Regulatory Committee

**Part II - Aquaculture Development Zones**

5. Designation of Aquaculture Development Zones
6. Proposal for an Aquaculture Development Zone
7. Administration of Aquaculture Development Zones
8. Procedure for allocating concessions

**Part III - Licences**

9. Aquaculture not permitted without a licence
10. Application for a licence
11. Grounds for grant of licence
12. Operational licence
13. Research licence
14. Undertakings
15. Transfer of licences
16. Fees
17. Site investigation permit
18. Register and annual report

**Part IV - General Obligations and Conditions**

19. General duties of licensees
20. Aquaculture Standards
21. Records and reporting
  
22. Fish health and welfare
23. Food safety and quality
24. Reservation of aquaculture action in the inshore zone
25. Domestic market access
26. Confidentiality

**Part V - Enforcement and Offences**

27. Improvement notices
28. Enforcement notices
29. Emergency control notices
30. Service of notices
31. Service of notices by electronic means
32. Information as to compliance
33. Failure to comply with a notice
34. Costs of compliance
35. Offences and penalties

**SCHEDULES**

- Schedule 1 - Aquaculture Regulatory Committee  
Schedule 2 - Fees

**S.I. 160 of 2020**

## FISHERIES ACT, 2014

*(Act 20 of 2014)***Fisheries (Aquaculture) Regulations, 2020**

In the exercise of the powers conferred by section 77 of the Fisheries Act, 2014, the Minister responsible for fisheries makes the following regulations —

**Part I - Preliminary**

**1.** These regulations may be cited as the Fisheries (Aquaculture) Regulations, 2020 and shall come into operation on such date as the Minister may published in the *Gazette*.

Citation and commencement

**2.** In these regulations, unless the context otherwise requires —

Interpretation

- (a) “Act” means the Fisheries Act, 2014 (Act 20 of 2014);
- (b) subject to paragraph (c), terms used in the Act that appear in these regulations have the meaning given in the Act; and
- (c) the following words and expressions shall have the following meanings —

“approved plans” means the plans submitted pursuant to an application for a licence in accordance with regulation 10(1)(c) as approved by the Authority upon grant of a licence;

“Aquaculture Development Zone” means an

Aquaculture Development Zone designated under regulation 5(1);

“aquaculture operation” means any licensable activity related to aquaculture;

“aquaculture sector” means activities and businesses involved in aquaculture;

“Aquaculture Standard” means an Aquaculture Standard adopted under regulation 19(1);

“Committee” means the Aquaculture Regulatory Committee, established under regulation 4(1);

“emergency control notice” means a notice served under regulation 29(1);

“enforcement notice” means a notice served under regulation 28(1);

“improvement notice” means a notice served under regulation 27(1);

“inshore zone” means the area seaward of the high water mark of the spring tide to a distance of 2 [nautical] kilometres;

“land-based zone” means any area of land, including any area landward of the high water mark of the spring tide;

“licence” means a licence issued under section 34 of the Act, pursuant to these regulations;

“notifiable disease” means a disease declared

under section 21 of the Animal and Plant Biosecurity Act, 2014 (Act 10 of 2014);

“offshore zone” means the area beyond the inshore zone; and

“person” means a natural or legal person and “legal person” includes an association of persons whether incorporated or not.

**3.** These regulations apply to aquaculture involving any marine aquatic plant or animal species, at any stage of their life history, other than aquatic reptiles, sea birds and marine mammals.

Scope of  
Application

**4.(1)** This Minister shall establish an Aquaculture Regulatory Committee.

Aquaculture  
Regulatory  
Committee

- (2) The functions of the Committee shall be to —
- (a) advise the Minister on all matters relating to aquaculture, including in relation to national policy and planning for aquaculture and on any regulatory changes that may be required;
  - (b) review applications for licences under these regulations and make recommendations to the Authority;
  - (c) review audits undertaken by the Authority of licensees and make recommendations on remedial or other actions, as necessary;
  - (d) assist the Authority in preparing, reviewing and updating the Aquaculture Standards; and
  - (e) conduct any other activities assigned to it under these regulations or by the Minister.

(3) The Committee shall operate in accordance with the rules of procedure set out in Schedule 1 to these regulations.

## **Part II - Aquaculture Development Zones**

Designation of  
Aquaculture  
Development  
Zones

**5.(1)** The Minister may, subject to subregulation (2), designate an area of public land or sea as an Aquaculture Development Zone.

(2) Before making any designation under subregulation (1), the Minister shall —

- (a) ensure the steps in regulation 6 have been completed;
- (b) obtain the consent of the Minister responsible for land use and planning.

(3) An area that has been designated as an Aquaculture Development Zone under subregulation (1) shall be —

- (a) set aside for the purpose of exclusive use by the aquaculture sector, for the purpose of land-use or maritime planning, as the case may; and
- (b) administered for the purpose of, and in accordance with, these regulations by the Authority.

(4) The Minister may, after consulting the Committee, relevant ministries and agencies and any other relevant stakeholders as considered appropriate, revoke a designation in respect of part of all of or an Aquaculture Development Zone.

(5) An area that has been designated by the Minister as an Aquaculture Development Zone prior to the coming into force of these regulations shall be deemed to have been designated under subregulation (1).

(6) Following the designation of an Aquaculture Development Zone under this regulation —

- (a) the Minister shall publish a notification of the designation in the Gazette; and
- (b) the Authority shall provide such publicity and information concerning the designation as is considered necessary to inform the public regarding the Aquaculture Development Zone.

6.(1) Before a designation can be made under regulation 5(1), the Authority shall —

Proposal for an  
Aquaculture  
Development  
Zone

- (a) prepare a bio-physical and socio-economic assessment of the proposed Aquaculture Development Zone;
- (b) develop a plan for the proposed Aquaculture Development Zone, in consultation with the Committee and taking account of the assessment under paragraph (a);
- (c) consult relevant ministries and agencies and any other relevant stakeholders on the plan; and
- (d) undertake an environmental and social impact assessment on the proposed designation.

(2) An environmental and social impact assessment under subregulation (1)(d) shall include an environmental impact assessment under the Environmental (Impacts Assessment) Regulations (S.I. 39 of 1996), to the extent those regulations apply.

7.(1) The administration of an Aquaculture Development Zone, including the allocation of concessions to licensees, shall

Administration  
of Aquaculture  
Development  
Zones

be undertaken by the Authority, in consultation with the Committee.

(2) The Minister, after consulting the Authority and the Committee, may determine rental rates payable to the Authority in respect of concessions allocated within an Aquaculture Development Zone.

(3) Within an Aquaculture Development Zone, no person other than a public officer, a person authorised by the Authority or, in relation to a concession allocated to a licensee, the licensee or a person authorised by the licensee —

- (a) conduct any investigations, surveys or other assessments without a site investigation permit granted under regulation 17;
- (b) dive, swim, use a boat or otherwise enter within a distance of 30 metres of a fish culture cage; or
- (c) conduct any form of fishing or fishing related activity within a distance of 100 metres of a fish culture cage.

Procedure for  
allocating  
concessions

**8.(1)** An applicant for an aquaculture operation within an Aquaculture Development Zone may request from the Authority a notice of availability.

(2) The Authority may issue a notice of availability to an applicant in respect of any available area within an Aquaculture Development Zone.

(3) Where licensed operations are to be undertaken in an Aquaculture Development Zone, the Authority shall enter into an agreement with the licensee for the allocation and use of a concession in the Aquaculture Development Zone.

- (4) An agreement under subregulation (3) shall —
- (a) be valid for a period equivalent to the duration of the licence;
  - (b) specify the rent payable to the Authority in respect of the concession; and
  - (c) be on such other terms and conditions as the Authority considers appropriate.

(5) Where a licence is transferred under regulation 15 in relation to which the original licensee entered into an agreement under subregulation (3), the rights and duties contained in that agreement are assigned to the transferee upon transfer of the licence.

### **Part III - Licences**

**9.(1)** No person may engage in aquaculture without, and otherwise than in accordance with —

Aquaculture not permitted without a licence

- (a) a licence granted by the Authority under section 34(2) of the Act, in accordance with these regulations;
- (b) an appropriate use right for the area in which the application for an aquaculture operation is to take place; and
- (c) such other licences, permits or authorisations that are required under any other enactment in order to conduct the licensed aquaculture operation.

(2) In subregulation (1), an “appropriate use right for aquaculture” means —

- (a) a valid concession on a portion of sea or sea floor granted by a competent authority;

- (b) a valid concession or lease for the purposes of aquaculture on an area of land granted by a competent authority;
- (c) on an area of privately-owned land,

provided there are no restrictions preventing the owner or occupier of the land from carrying out aquaculture operations.

(3) In subregulation (2)(a) and (b) —

(a) “competent authority” means —

- (i) the Authority, in relation to the granting of concessions within an Aquaculture Development Zone;
- (ii) the President, in relation to a lease of reserves along the sea coast under the Coast Reserves and Foreshore Leases Act (Cap. 36);
- (iii) the Minister responsible for land use and planning, in any other case; and

(b) “valid concession” includes a notice of availability issued to an applicant under regulation 8(2).

Application  
for a licence

**10.(1)** An application for a licence or renewal of a licence, shall —

- (a) be made to the Authority, in the manner and form required by the Authority;
- (b) be accompanied by the fee specified in Table A in Schedule 2;
- (c) be accompanied by plans describing how the

proposed aquaculture operation will be conducted;

- (d) include such other information as the Authority requires to determine the application.

(2) The Authority or the Committee may —

- (a) request the applicant to provide such studies, plans, assessments or other reports, further to those provided in the application, as are necessary to determine the application; and
- (b) invite the applicant to submit revised studies, plans, assessments or other reports.

**11.(1)** The Authority, subject to subregulation (2) and on being satisfied that —

Grounds for  
grant of  
licence

- (a) the application has been made in the required manner and contains all the information required;
- (b) the applicant holds an appropriate use right for aquaculture within the meaning of regulation 9(1)(b);
- (c) the applicant has obtained any licence, permit or authorisation referred to in regulation 9(1)(c);
- (d) the fees referred to in regulation 10(1)(b) have been paid;
- (e) the plans referred to in regulation 10(1)(c) demonstrate that the proposed aquaculture activity is feasible and can be implemented in

accordance with applicable regulatory requirements and Aquaculture Standards; and

- (f) the applicant is a fit and proper person to hold a licence,  
may grant or renew a licence.

(2) Before determining an application under subregulation (1), the Authority shall obtain the recommendation of the Committee.

(3) In considering whether an applicant is a fit and proper person to hold a licence under subregulation (1), the Authority may take into account —

- (a) the applicant's history of compliance with the Act or these regulations, including the terms of any licence previously issued to the applicant;
- (b) whether the applicant is the subject of proceedings under the bankruptcy laws; and
- (c) any other activities that the applicant has engaged in which the Authority considers prejudicial to the aquaculture sector.

Operational  
licence

**12.(1)** The Authority may grant or renew an operational licence for any activity related to aquaculture production in accordance with this regulation.

(2) An operational licence —

- (a) may be granted for a period of not less than 10 years and not exceeding 20 years; and
- (b) may be renewed for further periods of up to 20 years on each occasion.

(3) A licence granted or renewed pursuant to this regulation —

- (a) shall be in such form as the Authority may determine; and
  - (b) may be issued subject to such terms and conditions as the Authority considers appropriate.
- (4) An operational licence, when first granted, shall —
- (a) be subject to a probationary period of 2 years; and
  - (b) during this period, be subject to additional terms and conditions (in this regulation, “probationary conditions”) as the Authority considers appropriate.
- (5) If the Authority determines, after consulting the Committee, that the probationary conditions have not been met during the probationary period, the Authority may —
- (a) cancel the licence; or
  - (b) extend the probationary period for a further year.
- (6) If the Authority extends the probationary period under subregulation (5)(b) and determines, after consulting the Committee, that the probationary conditions have not been met during the extended period, the Authority shall cancel the licence.

**13.(1)** The Authority may grant or renew a research licence for the purposes of —

Research  
licence

- (a) carrying out studies, assessments or other research activities related to aquaculture or the aquaculture sector;

- (b) undertaking environmental restoration activities involving aquaculture;
  - (c) carrying out any other research or development activity related to aquaculture, as may be approved by the Committee from time to time.
- (2) A research licence may be —
- (a) granted for a period of up to ten years, to be specified in the licence;
  - (b) renewed for a period of up to ten years, to be specified in the licence.
- (3) A licence granted pursuant to this regulation may be in such form as the Authority may determine and may be issued subject to such general or specific conditions as the Authority considers necessary.

## Undertakings

- 14.(1)** Upon grant of a licence, the licensee undertakes to conduct the aquaculture operation consistently with the approved plans.
- (2) The grant of a licence may be subject to other undertakings the Authority may require, including in relation to —
- (a) genetic diversity management;
  - (b) environmental management;
  - (c) compliance, monitoring and reporting;
  - (d) biosecurity and fish management;
  - (e) restoration of aquaculture sites;
  - (f) any other matter that the Minister may determine.

15.(1) No person may transfer a licence without the written approval of the Authority.

(2) The Authority shall not grant approval under subregulation (1) unless —

- (a) in the case of an operational licence, the probationary period has been completed;
- (b) it has obtained the recommendation of the Committee;
- (c) the proposed transferee has undertaken to assume the rights and obligations related to the licensed aquaculture activity and is capable of fulfilling them;
- (d) the transferee is a fit and proper person to hold a licence.

(3) In considering whether an proposed transferee is a fit and proper person to hold a licence, the Authority may take into account the matters referred to in regulation 11(3).

(4) The Authority may approve the transfer of a licence under subregulation (1) —

- (a) subject to the same conditions and undertakings in the existing licence; or
- (b) subject to additional or alternative conditions and undertakings.

(5) The Authority or the Committee may request the licensee or the proposed transferee to provide such studies, plans, assessments or other reports as are necessary to determine approval of the transfer.

Fees and  
levies

**16.(1)** A licensee shall pay to the Authority —

- (a) the licence fee specified in Table 2 in Schedule 2; and
- (b) any levies due at the applicable rate specified in Table 3 in Schedule 2.

(2) The licence fee shall be payable annually, in advance.

(3) Any levies due shall be payable annually, within one month of the completion of each licence year, and shall be calculated based on the production from the licensed aquaculture activity in that year.

(4) The Authority may suspend a licence under section 35(1) of the Act if a licensee fails to pay any fee or levy due under subregulation (1) until such time as any such fee or levy has been paid.

(5) The Minister, upon a recommendation of the Committee, may amend or remove any existing fee or levy or create any additional fee or levy in Schedule 2 by publication of a notice in the Gazette.

Site  
investigation  
permit

**17.(1)** In order, for the purposes of an application, to enable any investigations, surveys or other assessments to be carried out within an Aquaculture Development Zone the Authority may grant a site investigation permit to the applicant or a person nominated by the applicant.

(2) A site investigation permit granted under subregulation (1) may be granted under such terms and conditions and for such duration as the Authority considers appropriate.

Register and  
annual report

**18.(1)** The Authority shall maintain a register of all licensees and will report quarterly to the Minister on the number of applications received and on the numbers of licences issued and refused.

(2) The Authority shall develop and publish a report on an annual basis on its activities and including information on —

- (a) any reported or known outbreaks of notifiable diseases affecting farmed fish and the measures taken to report the outbreak to the OIE and to remediate the diseases;
- (b) the use of antibiotic and anti-fouling chemicals used by licensees;
- (c) the annual production of aquaculture products;
- (d) the quantity and value of aquaculture products exported and the destination of those exports;
- (e) the quantities of fish eggs, larvae or juveniles imported for aquaculture purposes; and
- (f) any other information the Minister requests.

#### **Part IV - General Obligations and Conditions**

**19.(1)** Without prejudice to the other parts of these regulations and the terms and conditions of the licence, a licensee shall ensure aquaculture operations are conducted in accordance with —

General duties  
of licensees

- (a) the approved plans that apply to the licensed aquaculture operation;
- (b) any undertakings given pursuant to regulation 14;
- (c) any applicable Aquaculture Standards; and
- (d) any requirements applicable to the licensed operations arising under or pursuant to other enactments.

(2) If a licensee —

- (a) contravenes or fails to comply with a requirement in these regulations;
- (b) breaches or fails to comply with a term or condition in a licence granted to the licensee; or
- (c) fails to comply with the requirement in subregulation (1),

the Authority may suspend, cancel or revoke a licence under section 35(1) of the Act.

Aquaculture  
Standard

**20.(1)** The Authority may adopt Aquaculture Standards —

- (a) specifying procedures for the administration or implementation of these regulations; or
- (b) specifying technical requirements, procedures or measures to be used in aquaculture operations, including in particular types or components of aquaculture operations.

(2) An Aquaculture Standard may be drawn up by or in cooperation with any person, organisation, association or other body authorised by the Minister.

(3) An Aquaculture Standard adopted under subregulation (1) shall —

- (a) be signed by the Minister;
- (b) specify the date on which it comes into force;
- (c) be notified in the Official Gazette; and
- (d) be given such other publicity as is reasonable to inform stakeholders of its adoption.

(4) The Authority, after notifying a licensee in writing, may require that licensee to comply with an Aquaculture Standard that has come into force, or part of it, as a condition of the licence.

(5) On the recommendation of the Committee, the Authority may amend or revoke an existing Aquaculture Standard or establish a new Aquaculture Standard.

**21.(1)** The licensee shall maintain and keep all reasonable records and information concerning the licensed aquaculture operation, including —

Records and reporting

- (a) production records, including details concerning mortality, number of fish received and harvested, feed intake;
- (b) environmental monitoring;
- (c) standard operating procedures and management and other operating policies;
- (d) use of antibiotics and other chemical treatments; and
- (e) observed interactions between predators and the aquaculture operation.

(2) The Authority may make further provision for the keeping of records in Aquaculture Standards or in the terms and conditions of licences.

(3) Where any of the following occur, the licensee shall immediately notify the Authority of the occurrence and shall take any steps necessary to remediate or minimise the risks arising from it —

- (a) abnormal mortalities;

- (b) a finding or an outbreak of a fish disease;
- (c) escaped fish;
- (d) failure to maintain the genetic variability of farmed fish;
- (e) any pollution incident or event caused, directly or indirectly, by an aquaculture operation; or
- (f) any flood event or other natural disaster impacting the aquaculture project.

Fish health  
and welfare

**22.(1)** Licensees shall not —

- (a) hold animals in any cage, tank or pond at a stocking density above which the animals show visible signs of stress; or
- (b) use any food considered to be unsafe and that does not adhere to the regulations under the Export of Fishery Products (Aquaculture Feed) Regulations, 2010.

(2) A licensee shall immediately report to the Authority the development of —

- (a) any disease, parasite or any pathogen that may contribute to adverse fish health or mortality;
- (b) any unexplained deterioration in fish health or increase in fish mortality.

(3) A licensee shall not use —

- (a) any antibiotic or other veterinary medical product in land-based operations except in terms of a written prescription issued by a veterinarian;

- 
- (b) any antibiotic in sea-based operations;
  - (c) any other veterinary medicinal product in sea-based operations other than therapeutic agents in terms of a written prescription issued by a veterinarian; and
  - (d) any therapeutic agent listed under regulation 6 of the Export of Fishery Products (Aquaculture) Regulations, 2010 (S.I. 83 of 2010).
- (4) Licensees shall keep a written record of the use of all antibiotics and therapeutic agents, to be submitted to the Authority on an annual basis, and including —
- (a) the name of the licensee and the licence number;
  - (b) the location of the aquaculture operation;
  - (c) the species being cultured; and
  - (d) in respect of each treatment administered—
    - (i) the name and contact details of the prescribing veterinarian;
    - (ii) copies of the prescriptions;
    - (iii) the names and quantities of all antibiotics and therapeutic agents prescribed and used;
    - (iv) the procedure for administering the antibiotics and therapeutic agents;
    - (v) the date specified by the veterinarian on which, following treatment, it is safe to re-commence harvesting.

(5) The Authority shall —

- (a) establish a database to record all diseases and the measures utilised to combat and treat diseases; and
- (b) report notifiable diseases to the World Animal Health Organisation.

Food safety  
and food  
quality

**23.** Without prejudice to legislation relating to the sale, export or trade in fish or to food safety, no person may —

- (a) sell or attempt to sell any diseased or contaminated fish or fish product or any fish that has died of an unknown cause; or
- (b) harvest, sell or attempt to sell any fish that has been subject to antibiotics, therapeutic agents or other veterinary treatment before the date specified by a veterinarian in relation to that treatment under regulation 22(4)(d)(v).

Reservation  
of  
aquaculture  
action in the  
inshore zone

**24.(1)** Aquaculture licence application within the inshore zone shall be reserved to local investors only.

(2) For the purpose of subregulation (1), “local investor” means —

- (a) a citizen of Seychelles; or
- (b) a company registered in Seychelles of which at least 51 per cent of the actual effective shares are beneficially owned by one or more citizens of Seychelles.

Domestic  
Market  
Access

**25.(1)** Aquaculture products that have been produced under licence in the offshore zone may not be sold in Seychelles except with the written permission of, and under such terms and conditions as may be determined by, the Authority.

(2) The Authority may only grant permission under subregulation (1) where it is satisfied, after consulting the Committee, that the sale of such products —

- (a) will contribute to food security in Seychelles; and
- (b) will not disproportionately affect the domestic market.

**26.** Except to the extent —

Confidentiality

- (a) necessary for the purpose of exercising any function under these regulations;
- (b) authorised or required under any other enactment;
- (c) authorised in accordance with any agreement with a licensee;
- (d) necessary to enable the Authority to publish statistical information relating to the aquaculture sector,

the Authority, an authorised fishery officer or any other person carrying out duties or responsibilities under these regulations shall not disclose to any other person information or other data of a confidential nature acquired in the performance of any function or duty under these regulations.

## **Part V - Enforcement and Offences**

**27.(1)** If an authorised fishery officer considers that a licensee is conducting an aquaculture operation in a manner that does not comply with an Aquaculture Standard applicable to it, the authorised fishery officer may serve an improvement notice on the licensee.

Improvement  
notices

(2) An improvement notice served under subregulation (1) shall —

- (a) state the authorised fishery officer's reasons for believing that the Aquaculture Standard is not complied with;
- (b) specify the matters which constitute the failure to comply;
- (c) specify the measures which must be taken in order to comply;
- (d) require the licensee to take those measures within such period as may be specified in the notice; and
- (e) inform the licensee of the right to appeal against the notice under section 43(1) of the Act.

(3) An improvement notice may require the licensee to —

- (a) clean and disinfect premises or equipment;
- (b) modify or replace equipment;
- (c) alter operational measures, including sanitary, biosecurity, or environmental measures;
- (d) alter animal health, safety or welfare practices; and
- (e) take any other steps that are necessary to implement properly an applicable Aquaculture Standard.

(4) The period of time specified in subregulation (2)(d) shall take into account —

- (a) the extent of any risks to human health, animal health or the environment resulting from non-compliance with the Aquaculture Standard;
- (b) the extent and complexity of the remedial steps specified in the notice,

but in any case may not be less than 14 days or longer than one year.

**28.(1)** If an authorised fishery officer considers that a licensee has —

Enforcement  
notices

- (a) failed to comply with an improvement notice within the date specified in that notice under subregulation 27(2)(d);
- (b) contravened the terms and conditions of the licence; or
- (c) contravened a requirement applicable to the licensee in these regulations or under the Act;
- (d) the authorised fishery officer may serve an enforcement notice on the licensee.

**(2)** An enforcement notice served under subregulation (1) shall —

- (a) state the grounds on which the enforcement notice is served under subregulation (1) and the authorised fishery officer's reasons for it;
- (b) specify the matters which constitute the failure to comply or the contravention;
- (c) specify the measures which must be taken in order to remedy the failure to comply or the contravention;

- (d) specify the date by which all the measures specified in the notice must be completed and including, if appropriate, specific dates in relation to specific measures; and
  - (e) inform the licensee of the right to appeal against the notice under section 43(1) of the Act.
- (3) An enforcement notice may require the licensee to —
- (a) take any steps that may be specified for an improvement notice under regulation 27(3);
  - (b) modify or stop any operations until the licensee has taken some or all of the steps specified in the notice;
  - (c) take any other steps that are necessary to remedy the failure to comply or the contravention.
- (4) The date or dates specified in subregulation (2)(d) shall take into account —
- (a) the extent of any risks to human health, animal health or the environment resulting from non-compliance with the Aquaculture Standard;
  - (b) the extent and complexity of the steps to be taken under the notice,
- but in any case may not be less than 7 days or longer than 6 months.

**29.(1)** Where an authorised fishery officer has reasonable grounds to believe that due to an aquaculture operation —

- (a) there is a serious and imminent risk to human health, animal health or the environment; and
- (b) measures should be taken urgently to mitigate that risk,

the authorised fishery officer may serve an emergency control notice.

(2) An emergency control notice may be served —

- (a) on a licensee;
- (b) any person in charge of or in occupation of premises on which measures need to be taken;
- (c) any employee of a licensee present on premises where an aquaculture operation is taking place; or
- (d) if no person can reasonably be located or identified in relation to premises on which measures need to be taken, by affixing it in a conspicuous place on the premises.

(3) Following service of a notice under subregulation (1), an authorised fishery officer may enter the premises and on the premises or elsewhere require any person or take steps to —

- (a) prevent, control or reduce the risk to human health, animal health or the environment;
- (b) destroy or treat any infected animals or infected material;
- (c) modify or stop operations until remedial actions have been completed.

(4) Subregulation (3) does not apply in relation to any premises which are used wholly or mainly as a private dwelling, unless 24 hours' notice has been given to the occupier.

(5) Subregulation (4) does not affect any right of entry conferred by a warrant issued by a judicial officer.

(6) An authorised fishery officer may be accompanied by such other persons and may bring onto the premises such equipment and vehicles, as the officer considers necessary.

(7) A person accompanying an authorised fishery officer under subregulation (6) may —

- (a) remain on the premises and from time to time re-enter the premises without the authorised fishery officer;
- (b) bring onto the premises any equipment or vehicle which the person considers necessary;
- (c) carry out work on the premises in the manner directed by an authorised fishery officer.

(8) A person accompanying an authorised fishery officer under subregulation (6) shall, if so requested, show evidence of their authority given in that behalf by these regulations.

Service of  
notices

**30.(1)** An improvement notice or an enforcement notice may be served on any person —

- (a) by delivering it to the licensee personally;
- (b) by sending it in a prepaid registered letter to the address for service given by the licensee; or

- (c) in the case of a body corporate, or other body, by delivering it to the director, manager, secretary or other similar officer of that body at its registered or principal office or by sending it in a prepaid registered letter addressed to the secretary or other officer of that body at that office.

**31.(1)** An notice that may be served under this Part may be served on a licensee by means of an electronic communication if —

Service of notices by electronic means

- (a) the licensee has consented to the use of that form of communication and has provided an electronic address for that purpose; and
- (b) the notice is sent to the address provided,

and where an electronic communication is used for the purpose of serving a notice, then, unless the contrary is proved, the notice shall be deemed to have been served on the day and at the time recorded by the transmitting apparatus as being the day and time of satisfactory completion of the transmission.

**32.** A person on whom a notice has been served, or is deemed to have been served, under this Part shall, if requested by an authorised fishery officer, inform the authorised fishery officer whether the requirements of the notice have been complied with and, if they have been complied with, of the details of the steps taken in order to comply with those requirements.

Information as to compliance

**33.** If any person fails to comply with an enforcement notice or an emergency control notice, an authorised fishery officer may take such steps as are necessary to —

Failure to comply with a notice

- (a) ensure compliance with the notice; or
- (b) remedy the consequences of the failure to comply with the notice; and

the Authority may recover any expenses reasonably incurred in so doing from the licensee who failed to comply with the notice.

Costs of compliance

**34.** Unless the Authority directs otherwise in writing, a notice served under these regulations shall be complied with at the expense of the person on whom it is served.

Offences and penalties

**35.** Without prejudice to any penalty that may apply under the Act, a person who —

- (a) contravenes regulations 7(3), 9(1)(b), 20(2), 22(1) to (4), 23, 25(1) or 26;
- (b) refuses to comply with an improvement notice served on that person under regulation 27(1);
- (c) refuses or fails to comply with an enforcement notice served on that person under regulation 28(1) or an emergency control notice served on that person under regulation 29(1);

commits an offence and shall liable on conviction to a fine not exceeding SCR20,000.

## SCHEDULE 1

### **Aquaculture Regulatory Committee (Regulation 4)**

- (1) The members of the Committee shall be appointed by the Minister for a period of 3 years and on such conditions as the Minister considers appropriate.
- (2) The Committee shall consist of nine members representing the following —
  - (a) the the Ministry;
  - (b) Authority;

- 
- (c) the ministries, departments or agencies responsible for —
    - (i) blue economy;
    - (ii) land use;
    - (iii) environment;
    - (iv) investment; and
    - (v) finance;
  - (d) the Citizen's Engagement Platform Seychelles;
  - (e) the Seychelles Chamber of Commerce and Industry.
- (3) The representative of the Ministry responsible for fisheries shall be the Chairperson of the Committee.
  - (4) The Members shall elect from amongst themselves a Vice-Chairperson.
  - (5) Members of the Committee may be nominated for a second and third term to ensure continuity.
  - (6) The Committee will meet as often as is necessary but at least once every three months and at such a time and place as the Chairperson may determine.
  - (7) The quorum for a meeting of the Committee will be 7 members.
  - (8) The Chairperson will preside at all meetings of the Committee and if the Chairperson is absent the Vice-Chairperson will preside for that meeting.
  - (9) All decisions taken by the Committee will be by a majority of the members present.
  - (10) The Chairperson has a casting vote.
  - (11) The Committee may co-opt any person with relevant expertise or knowledge to assist it whenever necessary.

- (12) The Committee may establish sub-committees.
- (13) Any member that has a personal interest in a matter being considered or dealt with by the Committee, or any sub-committee, shall disclose to the Chairperson in writing the nature of the interest and shall not take part in any deliberation or decision with respect to that matter.
- (14) Subject to this Schedule, the Committee may establish its own rules and procedures.

**SCHEDULE 2**  
**FEES**

Table A

Licence Application Fee  
(in SCR)

Licence Category	Land-based	Inshore zone	Offshore zone
Finfish Hatchery	20,000	-	-
Finfish Production	30,000	20,000	75,000
Prawn Hatchery	20,000	-	-
Prawn Production	50,000	-	-
Ornamental Hatchery	10,000	-	-
Ornamental Production	10,000	-	-
Echinoid Hatchery	15,000	-	-
Echinoid Production	20,000	50,000	-
Bivalve Hatchery	20,000	-	-
Bivalve Production	-	50,000	-
Sponge Hatchery	20,000	-	-
Sponge Production	-	50,000	-
Research & Development*	2,500	2,500	2,500

\*Aquaculture research, coral restoration, re-stocking, stock enhancement.

**SCHEDULE B**  
Annual Licence Fee  
(in SCR)

License Category	Land-based	Inshore zone	Offshore zone
Finfish Hatchery	20,000	-	-
Finfish Production	50,000	50,000	130,000
Prawn Hatchery	20,000	-	-
Prawn Production	100,000	-	-
Ornamental Hatchery	10,000	-	-
Ornamental Production	10,000	-	-
Echinoid Hatchery	20,000	-	-
Echinoid Production	100,000	100,000	-
Bivalve Hatchery	15,000	-	-
Bivalve Production	30,000	75,000	-
Sponge Hatchery	5,000	-	-
Sponge Production	-	30,000	-
Research & Development*	2,500	2,500	2,500

*\*Aquaculture research, coral restoration, re-stocking, stock enhancement.*

**SCHEDULE C**  
Aquaculture Production Levy  
(in SCR)

Production Category	Land-based	Inshore zone	Offshore zone
Finfish SCR per tonne	-	100.00	350.00
Prawns SCR per tonne	120.00	-	-
Ornamentals SCR per fish	0.50	-	-

Sea urchin uni SCR per kg Uni	10.00	-	-
Sea cucumber SCR per kg wet weight	7.50	7.50	-
Pearls SCR per pearl	-	10.00	-
Giant clam SCR per kg meat	7.50	7.50	-
Sponge SCR per sponge	-	10.00	-
Mudcrab SCR per crab	-	5.00	-

**MADE this 15th day of December, 2020.**

**JEAN-FRANÇOIS FERRARI  
DESIGNATED MINISTER**