

SECTION 2

THE WILD BIRDS PROTECTION REGULATIONS

[18th April, 1966]

ARRANGEMENT OF REGULATION

REGULATION

1. Citation.
2. Interpretation
3. Birds declared protected.
4. No person shall take etc., eggs or nests of any protection birds.
5. Offences and penalties

1. These regulations may be cited as the Wild Birds Protection regulations.
2. In these regulations unless the context otherwise requires “birds” means a wild land or sea birds whether alive or dead and includes the plumage or skin thereof.
3. (1) All birds, except as hereafter provided, are hereby declared to be protected throughout Seychelles during the whole year.
(2) The following birds shall not be protected---
 - (a) the Cardinal Bird or Tisserin (*Foudia Madagascariensis*), the African Barn owl or Hibou, the Mynah and the House Sparrow;
 - (b) the Seychelles Bulbul or Merle (*Ixocincla Crasirostris*) on the islands of Frigate, la Digue and Praslin, from 15th April to the 15th November (both dates inclusive);
 - (c) the Cattle Egret or Madam Paton (*Bubulcus Ibis*) and the Grey Heron or floretin (*Ardea Cinerea*) on the islands where sea birds lay their eggs and listed in the Schedule to the Birds’ Eggs (Collection) Regulations;

- (d) the Turtle Dove or Tourterelle des Iles (*Streptopelia Picturata* *Rostrata*) on all islands except Félicité, Frigate, North Cousin or Cousins, South Cousin or Cousine and Mary Anne or Marianne;
- (e) the nestling of the Wedge-tailed Shearwater or Fouquest (*Procellaria Pacifica Hamiltoni*) from the 1st January to the 31st March (both dates inclusive) on all island except Beacon or Iles Séche, Les Mamelles, North Cousin or Cousin and Vache Marine.

4. No person shall ----

(1) shoot, kill or take, or

(2) purchase, sell or exhibit for sale, or export, any bird declared to be protected under regulation 3.

5. No person shall take, purchase, sell, exhibit for sale, destroy or tamper with the eggs or nests of any bird declared to be protected under regulation 3:

Provided that this regulation shall not be deemed to affect in any way the provision of Birds' Eggs Act and of any regulations made thereunder which shall have full force and effect.

6. Any person who contravenes regulation 4 or regulation 5 shall be guilty of an offence and shall be liable to the to the penalties provided under section 3 of the Act.

THE WILD BIRDS PROTECTION
(NATURE RESERVES) REGULATIONS

[18th April, 1966]

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Appointment of wardens
4. Powers and rights of wardens.
5. Powers and rights of resident wardens.
6. No person to disturb etc., birds in nature reserve or tamper with etc. birds' eggs and nests.
7. Owner's responsibility with regard to nature reserve.
8. Owner to give facilities for accommodation of resident wardens.
9. No person to obstruct or hinder wardens and resident wardens.
10. Offences and penalties.

1. These regulations may be cited as the Wild Birds Protection (Nature Reserves) Regulations.
2. In these regulations unless the context otherwise requires ----

“birds” means any wild land or sea bird.

“nature reserve” means any island or place declared in the schedule hereto to be a nature reserve;

“the owner” includes the lessee, the usufructuary or the person in actual occupation;

“resident warden” means a warden directed by the President to reside in a specified nature reserve under the provisions of regulation 3;

“warden” means a person appointed to be warden of nature reserves under the provisions of regulation 3.

3. The President may appoint such number of persons as he may deem necessary to be wardens of nature reserves and may direct that any such person or persons shall reside in any nature reserve specified by him.

4. A warden may enter upon, visit and inspect any island or place declared to be a nature reserve.

5. A resident warden may live on any island or in any place declared to be a nature reserve and shall have access to any part of such island or place. A resident warden shall have all the powers and rights conferred upon a warden by these regulations.

6. No person may, in a nature reserve, ---

(a) disturb, catch, take, shoot or kill, or

(b) tamper with, take or destroy the eggs or nests of,

any bird except a bird which is not protected under the provisions of subregulation (2) or regulation 3 of the Wild Birds Protection Regulations:

Provided that this regulation shall not be deemed to affect in any way the provisions of the Birds' Eggs Act and of any regulations made thereunder which shall have full force and effect.

7. the owner of any island or place declared to be a nature reserve ---

(a) shall not do, allow or suffer to be done, in such nature reserve, anything which would adversely affect the bird life and in this respect shall follow any directions which may be given to him by the Chief Agricultural Officer or by a warden, and

(b) shall take such measures as the Chief Agricultural Officer may direct for the protection of the bird life subject to the cost of implementing such measures being borne by the Government of Seychelles.

8. the owner of any island or place declared to be a nature reserve shall give all facilities for the accommodation of resident wardens on such island or in such place subject to any cost arising therefrom being borne by the Government of Seychelles.

9. No person shall obstruct or hinder a warden or a resident warden in the execution of his duties or in the exercise of any power or right conferred upon him by these regulations.

11. Any person who contravenes or fails to comply with any provision of regulations 6,7,8 and 9 shall be guilty of an offence and shall be liable to the penalties provided under section 3 of the Act.

SCHEDULE

The following island are declared to be nature reserves ----

Beacon or Ile Séche
Booby or Ils au Fous
Boudeuse
Etoile
King Ross or Lamperiaire
Les Mamelles
North Cousin or Cousin
Vache Marine

The following places are declared to be nature reserves –

The vallée de Mai, Praslin

THE WILD ANIMALS (SEYCHELLES POND
TURTLE) PROTECTION REGULATIONS

[19th May, 1966]

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Seychelles Pond Turtle declared protected.
3. Taking, Keeping and killing Seychelles Pond Turtle prohibited.
4. Purchase, selling etc., of preserved or stuffed Seychelles Pond Turtle prohibited.
5. Offences and penalties.

Citation.	1. These regulations may be cited as the Wild Animals Seychelles Pond Turtles) Protection Regulations.
Seychelles Pond Turtle declared Protected	2. The Seychelles Pond Turtle or Tortue Soupape is hereby declared to be protected throughout Seychelles.
Taking, keeping And killing Seychelles Pond Turtle prohibited.	3. No person shall take, keep or kill any Seychelles Pond Turtle or Tortue Soupape.
Purchase, selling Etc., or preserved Or stuffed Seychelles Pond Turtle Prohibited.	4. No person shall purchase, sell or exhibit for sale, or export any preserved or stuffed Seychelles Pond turtle or Tortue Soupape.
Offences and	5. Any person who contravenes regulation 3 or regulation 4 shall be guilty of an offence and shall be liable to the penalties provided under section 3 of the Act.

THE WILD ANIMALS (GIANT LAND TORTOISES)
PROTECTION REGULATIONS

[24th June, 1974]

ARRANGEMENT OF REGULATIONS

REGULATIONS

1. Citation
2. Giant Land tortoise declared protected.
3. Taking and killing Giant Land Tortoise prohibited.
4. Purchase or selling of preserved or stuffed Giant Land Tortoises prohibited.
5. Offences and penalties.

1. These regulations may be cited as the Wild Animals (Giant Land tortoises) Protection Regulations.
2. The giant land Tortoise (*testudo elephantine*) is hereby declared to be protected throughout Seychelles.
3. No person shall take or kill any Giant Land Tortoise.
4. No person shall purchase, sell or exhibit for sale, or export any preserved or stuffed Giant Land Tortoise.
5. Any person who contravenes regulation 3 and regulation 4 shall be guilty of an offence and shall be liable to the penalties provided under section 3 of the Act.

Wild Animals (Turtles) Protection Regulations

[11th July, 1994]

- Citation and commencement.
1. (1) These Regulations may be cited as the Wild Animals (Turtles) Protection Regulations.
 - (2) These Regulations, other than regulation 5(2), shall come into force on the date of publication of these Regulations in the Gazette.
 - (3) Regulation 5(2) shall come into force six months after the publication of these regulations in the Gazette.
- Interpretation.
2. In these Regulations –

“calipee” includes the gelatinous membranes which connect the carapace to the plastron of a turtle;

“shell” includes the carapace, plastron or any part of a shell;

“turtle” includes the green turtle (*Chelonia mydas*), hawksbill turtle (*Eretmochelys imbricata*) and any other turtle which from time to time may be found in the territorial waters of Seychelles
- Turtles declared Protected.
3. A turtle shall be a protected animal throughout Seychelles.
- Prohibitions Relating to Turtles and turtle Eggs.
4. (1) No person shall disturb, catch, injure, fish for, kill, sell purchase, receive or possess any turtle.
- Prohibitions Relating to turtle Shell, furnished Product and Meat.
5. (1) Subject to regulation 6, no person shall possess, sell, expose for for sale, purchase or receive any raw, worked or treated shell of a turtle.

(2) No person shall sell, expose for sale, purchase or receive any product derived from any shell of a turtle.

(3) No person shall possess, sell, expose for sale, purchase or receive any meat or any part of the flesh or calipee or a turtle.
6. (1) Any person who, on the commencement of these Regulations, is in possession of any raw, worked or treated shell of a turtle shall, within 90 days after commencement of these Regulations, furnish the particulars of such shell to the Department of Environment of the Ministry of Foreign Affairs, Planning and Environment or to any authority designated by the Minister in such form as may be provided by the Department of authority.

(2) the department of Environment or the authority shall record in a register to be kept by the Department or authority -

- (a) the name of each person who has furnished the particulars under subregulation (1);
- (b) the particulars so provided; and

issue a permit to each such person to possess the shell.

(3) Where the holder of a permit issued under subregulation (2) dies, any person who obtains possession of the turtle shell referred to in the permit by right of succession shall, within 90 days thereafter, surrender the permit of the deceased and furnish the particulars of such shell in the manner provided in subregulation (1) to the Department or authority referred to in that subregulation and the Department or authority shall record the name of the person in the register kept under that subregulation, cancel the permit issued to the deceased and issued the person a permit to possess the shell.

(4) A holder of a permit issued under subregulation (2) or subregulation (3), may, notwithstanding regulation 5, possess the turtle shell referred to in the permit.

7. No person shall export or import a turtle shell or any product of a turtle shell.

8. Any person who contravenes regulation 4 or regulation 5 or regulation 7 is guilty of an offence and is liable on conviction to the penalties provided under section 3 of the Act.

9. A prosecution for an offence under these Regulations may be instituted by the Attorney General, a police officer or any person authorised by the Minister.

10. The Minister may grant permission to any person for carrying out in Seychelles scientific research on or monitoring of turtles and any person who pursuant to such permission does any act prohibited by these Regulations shall not be deemed to contravene these Regulations.

WILD ANIMALS AND BIRDS PROTECTION
(AMENDMENT) ACT, 2001

(Act 9 of 2001)

AN ACT to amend the Wild Animals and Birds Protection Act (Cap 247).

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Wild Animals and Birds Protection (Amendment) Act, 2001.

2. The Wild Animals and Birds Protection Act is hereby amended as follows:-

(a) in section 2 (2) ---

(i) by repealing paragraph (b) and substituting therefore the following paragraph:

“(b) prohibit the possession, purchase, sale or exhibition for sale of any wild animal or bird, or any part wild animal or bird or any wild birds eggs;”;

(ii) by inserting the following paragraph after paragraph (e):

“(f) prescribe, subject to section 3, the penalty for an offence against a regulation made under this Act.”;

(b) by inserting after section 2, the following section:

“2A. (1) Where a police officer has reason to believe that a person has committed an offence against a regulation made under this Act, he may, without a warrant, seize and detain any boat or other vessel or motor vehicle or aircraft which, he has reason believe, has been used in the commission of that offence.

(2) Any boat or other vessel or motor vehicle or aircraft seized under subsection (1) shall be delivered into the custody of the Magistrates’ Court and shall be dealt with according to the provisions of subsection (3) or subsection (4).

(3) Where, upon the conviction of the person for an offence under this Act, a fine is imposed such boat or other vessel or motor vehicle or aircraft shall be held until the whole fine is paid, and if within sixty days following the imposition of a fine any part of the fine remains unpaid such boat or other vessel or motor vehicle or aircraft may be sold and the proceeds applied towards the payment of the fine.

(4) Where subsection (3) does not apply, or where a satisfactory bond or other security for the value of such boat or other vessel or

motor vehicle or aircraft is given at any time, the Court shall order its release.”;

© by repealing section 3 and substituting therefore the following section-

Penalties. 3. (1) Any person guilty of an offence against any regulation made under this Act shall, on conviction, be liable to the penalty prescribed by regulation, or where no such penalty is so prescribed, to a fine not less than R5000 and not exceeding R500,000 or to a term of imprisonment not exceeding two years.

(2) Where a penalty is prescribed by regulation, it shall not exceed the maximum fine and imprisonment referred to in subsection (1).

(3) On convicting any person for an offence against any regulation, the Court in addition to any penalty impose may cancel any licence issued to that person to operate any boat or vessel or motor vehicle or aircraft which is proved to have been used in the commission of the offence,”

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 23rd October, 2001.

S. 1. 1 of 2003

WILD ANIMALS AND BIRDS PROTECTION ACT

(Cap 247)

Wild Animals (Whale shark) Protection Regulations, 2003

In exercise of the powers conferred by section 2 of the Wild Animals and Birds Protection Act, the Minister of Environment hereby makes the following Regulations-

1. These Regulations may be cited as the Wild Animals (Whale Shark) Protection Regulations, 2003.
2. The whale shark (*Rhincodon typus*) is declared to be protected throughout Seychelles at all times.
3. No person shall kill or take a whale shark.
4. Nothing in the preceding regulations shall be construed as preventing otherwise legitimate fishing activities or authorized scientific research.

Made this 13th day of January, 2003.