

CONSOLIDATED TO 30 JUNE 2012

LAWS OF SEYCHELLES

SEYCHELLES PORTS AUTHORITY ACT

[1st October, 2004]

Act 11 of 2004
S..I. 7 of 2008

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1. This Act may be cited as the Seychelles Ports Authority Act.

2. In this Act —

“Authority” means the Seychelles Ports Authority established by section 3;

“Minister” means the Minister responsible for transport;

“Port” means Port Victoria as declared by the Port (Port Victoria) (Declaration) Order and includes any other port declared by Order made by the Minister.

Part II – Establishment and Functions of the Authority

3. There is hereby established a body corporate to be known as the Seychelles Port Authority.

4. (1) The Authority shall be administered by a Board of five members appointed by the Minister from among persons appearing to him to have had wide experience of, and to have shown capacity in, matters relating to maritime affairs, industry, commerce, transportation, finance, administration or industrial relations.

- (2) The Minister shall appoint a Chairman of the Board and a Chief Executive Officer of the Authority from among the members of the Board.

- (3) A member of the Board shall hold office for such period, not exceeding three years, as the Minister may specify in the instrument appointing the member, and shall be eligible for reappointment.

- (4) Any member of the Board may at any time resign his office by a letter addressed to the Minister and such member shall cease to be member of the Board from the date on which the Minister receives the letter.

(5) Where any member of the Board vacates office the Minister shall, having regard to the subsection (1), appoint a person to replace that member for the remaining period of office of that member.

(6) Where any member of the Board is temporarily unable to perform the functions of his office due to ill health, other infirmity, absence from Seychelles or any other cause, the Minister shall appoint a person having regard to the provisions of subsection (1) to act for such member.

(7) There shall be paid from the funds of the Authority to the Chairman and other members of the Board such remuneration or allowances as the Minister may determine.

5. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business and the meetings shall be held at such places and times and on such days as the Chairman shall determine.

(2) The Chairman, or in his absence the Chief Executive Officer, shall preside at any meeting of the Board.

(3) The Chairman, or in his absence the Chief Executive Officer, and three other members of the Board shall form a quorum.

(4) The decisions of the Board shall be made by a majority of votes of the members present and in any case in which the voting is equal, the Chairman or the Chief Executive Officer presiding at the meeting shall have a casting vote in addition to an original vote.

(5) Provided a quorum is present, the validity of any proceeding of the Board shall not be affected by any vacancy amongst its members or by any defect in the appointment of members.

(6) Subject to the provisions of this Act, and regulations made there under the Board may regulate its own proceedings.

6. Subject to the provisions of this Act, it shall be the duty of the Authority—

- (a) to regulate, control and administer all matters relating to the safety and security of the port and its facilities;
- (b) to promote the development of the infrastructure relating to the port;
- (c) to maintain port installations and to promote the use, improvement and development of the port;
- (d) to encourage the use of reliable and sufficient equipment in the provision of port services;
- (e) to participate in matters pertaining to search and rescue;
- (f) to collect all harbour dues, rental fees and other moneys payable to the Authority under this Act or any other law;

- (g) to plan, execute, monitor and evaluate training programmes of employees designed to ensure conformity with the standards of the services provided by them;
- (h) to act in collaboration with other public authorities and entities for the prevention of marine source pollution, protection of marine environment and to respond to marine environment incidents;
- (i) to advise the government or any public authority on any matter relating to merchant shipping and the prevention and control of marine pollution;
- (j) to represent Seychelles on maritime matters at both the national and international level;
- (k) to do all such other things as will contribute to the attainment of the objectives of the Authority.

7. The Chief Executive Officer of the Authority —

- (a) shall be responsible for the implementation of the decisions of the Authority and for the management of the day to day business of the Authority;
- (b) may, subject to the direction of the Authority, sign documents on behalf of the Authority;
- (c) may, subject to the direction of the Authority, delegate any function of the Chief Executive Officer to any employee of the Authority.

8. (1) The Authority shall appoint on such terms and conditions as it thinks fit a Harbour Master who shall perform his function under the direction of the Authority.

(2) The Authority shall appoint on such terms and conditions as it thinks fit a Marine Superintendent and such other officers and staff as it considers necessary for the purposes of this Act.

9. (1) Every employee of the Port and Marine Services Division whose functions are taken up by the Authority shall, upon the commencement of this Act, be deemed to be transferred from the service of the Government to the service of the Authority for a period extending from the date of such commencement to the date on which the employee accepts permanent employment with the Authority under the provisions of subsection (4) or for a period of one year from the date of such commencement, whichever is the shorter.

(2) Nothing in subsection (1) shall be deemed to be transferred to the service of the Authority thereunder, from applying at any time during such period aforesaid for a transfer to a Government Department in accordance with the terms and conditions of service attached to the appointment held by such officer at the commencement of this Act and, where such an application is made, the same consideration shall be given thereto as if the applicant had continued to be in the service to the Government.

(3) During the period referred to in subsection (1) every such employee shall be entitled to remuneration and conditions of service that are not less favourable than those

applicable to such employee immediately before the commencement of this Act or at any time during such period as aforesaid had such employee continued in the service of the Government.

(4) Within the period of one year referred to in subsection (1) the Authority may offer to any employee transferred to the Authority under subsection (1) permanent employment with the Authority at a remuneration and on terms and conditions that are not less favourable than those applicable to that employee immediately before the commencement of this Act or at any time during the period as aforesaid had such employee continued in the service of the Government.

10. (1) The Minister may give the Authority general or special directions in writing as to the performance of its functions under this Act on any matter that appears to him to affect the public interest and the Authority shall give effect to such directions.

(2) The Authority shall furnish the Minister with returns accounts and other information with respect to the property or activities of the Authority and afford him facilities for the verification of any information furnished in such manner and at such times as the Minister may require.

Part III - Financial provisions

11. (1) The funds of the Authority shall consist of —

- (a) any moneys accruing to the Authority from its operations or other payments;
- (b) such moneys as are voted by the National Assembly for the use of the Authority, and
- (c) any moneys as from time to time are received by the Authority by way of loans, donations, gifts or grants.

(2) The funds of the Authority shall be applied in the discharge of expenses properly incurred in the carrying out of the functions of the Authority, the payment of remuneration to the members of the Board and employees of the Authority and in the repayment of any sums borrowed by the Authority.

(3) The net profits of the Authority determined after meeting the expenses of each financial year and making provision for bad and doubtful debts, depreciation of assets and any other purpose deemed necessary by the Authority shall be dealt with in accordance with directions given by the Minister.

12. (1) The movable property and undertakings owned and used by the Government for the operation of the Port and Marine Services Division immediately before the date of commencement of this Act shall insofar as they are connected with the functions of the Authority be transferred to, and vest in, the Authority with effect from that date.

(2) The transfer and vesting aforesaid shall extend to the whole of such movable property and undertakings and shall include assets, powers, rights and privileges and all things necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining

thereto as well as all obligations affecting or relating to any of the aforesaid movable property or undertakings or other things included therein as aforesaid.

13. The Authority may, with the approval in writing of the Minister of Finance, borrow or raise money in such manner from such persons and under such terms and conditions and against such security as it may deem appropriate for meeting any of its obligations or discharging any of its functions under this Act.

14. The Authority shall ensure that insurance is maintained in respect of —

- (a) the property that the Authority manages, holds, owns or occupies;
- (b) any liability that may arise in relation to the activities in which the Authority engages or activities that it controls or permits.

15. (1) The Authority shall prepare a business plan at least 90 days before the beginning of each financial year and submit it to the Minister for his approval.

(2) The business plan shall —

- (a) include a statement of the short and medium term operational objectives;
- (b) outline the strategies that the Authority intends to employ in order to achieve its objectives; and
- (c) include, *inter alia*, an operational plan, a financial plan, a human resources plan and performance indicators.

(3) The financial plan must include estimates of expenditure and revenue for the following financial year.

(4) The Authority may amend the business plan with the Minister's approval.

16. (1) The financial year of the Authority shall be the calendar year.

(2) The Authority shall keep proper accounts and other relevant records in such form as may be approved by the Auditor General.

(3) Article 158 of the Constitution shall apply in respect of the auditing of the accounts of the Authority.

17. The Authority shall, as soon as possible after the expiration of each financial year and in any event not later than the 31st day of March in any year, submit to the Minister a report dealing generally with the activities of the Authority during the preceding financial year.

18. All members and officers of the Authority shall be deemed to be employed in the public service for the purpose of sections 91 to 96 of the Penal Code and those sections shall apply to them.

19. No liability civil or criminal shall attach to the Authority, a member of the Board of the Authority or its staff in respect of an act done or omission made in good faith in the performance of the functions of the Authority or such member as the case may be.

20. The Minister may make orders and regulations for the purpose of carrying into effect the principles and provisions of this Act.

21. (1) The Ports (Interim Provisions) Act is hereby repealed.

(2) Notwithstanding subsection (1), any subsidiary legislation made by the Minister under that Act shall continue to have effect and may be revoked or repealed by orders or regulations made under this Act.

LAWS OF SEYCHELLES
SEYCHELLES PORTS AUTHORITY ACT

S.I. 15 of 2008

SUBSIDIARY LEGISLATION

SECTION 20 AND 21(2)

Seychelles Ports Authority (Stevedoring and Terminal Handling Charges) Regulations,

[1st February, 2008]

1. These Regulations may be cited as the Seychelles Ports Authority (Stevedoring and Terminal Handling Charges) Regulations, and shall be deemed to have come into operation on 1 February 2008.

2. In these Regulations —

“FEU” means a container measuring forty/forty five feet;

“FEU” means a container measuring twenty feet;

“Port” means the Port of Victoria.

3. The charges specified in the Schedule shall be maximum charges for the operations and services carried out in the Port and specified in that Schedule.

4. Any person who levies for any operation or service specified in the Schedule a charge in excess of the charge specified in the Schedule for such operation or service is guilty of an offence and liable on conviction to a fine of R5000 and imprisonment for 2 years.

5. The Port (Stevedoring and Terminal Handling Charges) Regulations 1974 are hereby revoked.

SCHEDULE

Tariff Item			
1.	Stevedoring Rates		
1.1	Container		
		TEU	FEU
		US\$	US\$
1.1.1	Full		
1.1.1.3	Discharge	250.00	500.00
1.1.1.2	Loan	125.00	250.00
1.1.2	Empty		
1.1.2.1	Discharge	65.00	130.00
1.1.2.2	Load	60.00	120.00
1.1.3	Transshipment Empty/Full		

1.1.3.1	Discharge/Load (each way)	30.00	45.00
1.1.4	Shifting of Container		
1.1.4.1	Bay to Bay	50.00	100.00
1.1.4.2	Via Shore	100.00	200.00
1.2	Break-Bulk (per freight tonne)	Non Palletised Non Unitised Vessel	Fully Palletised Fully Utilised Vessel
		US\$	US\$
1.2.1	Loading/Discharging		
1.2.1.1	Discharge	10.00	8.00
1.2.1.2	Load	8.00	6.00
1.2.2	Transshipment		
1.2.2.1	Discharge/Load (each Way)	7.00	6.00
1.2.3	Shifting		
1.2.3.1	Hatch to Hatch	7.00	6.00
1.2.3.2	Via Shore	10.00	7.00
1.2.3.3	Ship to Ship	10.00	8.00
1.3	Roll-On/Roll-Off (per unit)		
		US\$	US\$
1.3.1	Discharge	40.00	
1.3.2	Load	40.00	
1.3.3	Transshipment Total (In + Out)	60.00	
1.4	Miscellaneous Charges	US\$	
1.4.1	Delays/Standby (per gang/hour)	50.00	
1.4.2	Pay-Off (per gang)	190.00	
1.4.3	Cancellation/Amendment		
1.4.3.1	More than 24 hours	0.00	
1.4.3.2	16-24 hours	95.00	
1.4.3.3	Less than 16 hours	190.00	
1.4.4	Mobilisation Cost for Work after 6 p.m	480.00	
1.4.5	Lashing/Unlashing (per container)	5.00	
1.4.6	Replacement of Hatch Cover (per hatch)	500.00	

2.	Terminal Handling Charges		
2.1	Container		
		TEU	FEU
		SR	SR
2.1.1	Import/Export		
2.1.1.1	Import	2500	5000
2.1.1.2	Export	300	600
2.1.2	Transshipment Empty/Full		
		US\$	US\$
2.1.2.1	Total (In + Out)	30.00	60.00

		SR	
2.2.1	Import/Export		
2.2.1.1	Import	150	
2.2.1.2	Export	40	
		US\$	
2.2.2	Transshipment (per freight tonne)		
2.2.2.1	Total (In + Out)	10.00	

Other terms and conditions

1. 20% surcharge payable on all hazardous and out-of-gauge cargo under item 1.1
2. 20% surcharge payable on all hazardous cargo under item 1.2
3. RO/RO units over one metric ton in weight will be charged at a rate of 10% of the rates specified under item 1.3 for each additional tonne or part thereof in excess of one metric ton.

Section 20

SI. 26 of 2012

Seychelles Ports Authority (Extension of Port Victoria) (Declaration) Order, 2012

[14th May 2012]

1. This Order may be cited as the Seychelles Port Authority (Extension of Port Victoria) (Declaration) Order, 2012.
2. The areas described in the Schedule include the extensions and declared the legal boundaries of Port Victoria.

SCHEDULE

Port Victoria shall be the area enclosed by the following coordinates:

- PT1: from Mahe Island bearing 000° by 4.6 nautical miles, (Lat 04°53'S, Long 055° 31'E)
- PT2: a straight line in a North Easterly direction to Fregate Island bearing 276° by 5.9 nautical miles Lat 04° 36'S, (Long 056 03'S)
- PT3: a straight line in a North Westerly direction to Grande Soeur Island bearing 230° by 7.7 nautical miles Lat 04° 12'S, (Long 055° 58'E)
- PT4: a straight line in a Westerly direction to Aride Island bearing 094° by 7.5 nautical miles, (Lat 04° 12'S, Long 055° 32'E)

- PT5: a straight line in a North North Westerly direction to North Island bearing 115° by 7 nautical miles, (Lat 04° 20'S, Long 055° 08'E)
- PT6: a straight line in a Southerly direction to Silhouette Island bearing 030° by 10.8 nautical miles, (Lat 04° 40'S, Long 055° 08'E) to Mahe Island bearing 000° by 4.6 nautical miles.
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